

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

Monday, November 13, 2023, 10:30AM  
Ocean Breeze Resort Clubhouse Pineapple Bay Room  
700 NE Seabreeze Way, Ocean Breeze, FL

***PLEASE TURN OFF CELL PHONES –  
SPEAK DIRECTLY INTO MICROPHONE***

- 1. Call to Order, President De Angeles**
  - Pledge of Allegiance
  - Roll Call
- 2. Approval of Minutes –**
  - Regular Town Council Meeting, Monday, September 11, 2023
  - Proposed Budget and Tentative Millage Rate Hearing, Wednesday, September 13, 2023<sup>1</sup>
  - Final Budget and Millage Rate Hearing, Wednesday, September 20, 2023<sup>1</sup>
  - Regular Town Council Meeting, Monday, October 9, 2023
- 3. Presentation by Jensen Beach Chamber of Commerce President, Ron Rose –**  
Introduction by President De Angeles
- 4. Update on close-out of the Seawalk residential project –** Introduction of HOA Board Member, Melissa Heller, by Council Member Liz Reese
- 5. RESOLUTION NO. 343-2023 - A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA AUTHORIZING BUDGET AMENDMENT #4 TO THE GENERAL FUND BUDGET IN THE AMOUNT OF \$39,450 TO RECOGNIZE ADDITIONAL GENERAL GOVERNMENT AND PUBLIC SAFETY EXPENSES, PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES –** (Continued from October 9, 2023 meeting)  
(Motion, second, public comment, roll call)
- 6. Comments from the public on topics not on the agenda**
- 7. Comments from the Council on topics not on the agenda**
- 8. Comments from Town Management Consultant Terry O'Neil**
- 9. Comments from Mayor Ostrand –**
  - Discussion of community concerns regarding Florida East Coast Railroad's use of train horns
- 10. Announcements –** Meetings to be held at Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze.
  - **Regular Town Council Meeting, Monday, December 11, 2023 at 10:30 pm**
- 11. Adjourn**  
(Motion, second, all in favor)

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<sup>1</sup>Preparation underway, staff anticipates the minutes for the budget hearings will be presented to the Council in December, 2023

TOWN OF OCEAN BREEZE  
MINUTES REGULAR TOWN COUNCIL MEETING  
Monday, September 11, 2023  
Ocean Breeze Resort Clubhouse, Pineapple Bay Room  
700 Seabreeze Way, Ocean Breeze, FL

1. **Call to Order** – President De Angeles called the meeting to order at 10:30AM
  - President De Angeles asked for a moment of silence for the victims of the 9/11 terror attack.
  - Pledge of Allegiance – Mayor Ostrand led the Pledge of Allegiance
  - Roll Call – Present Mayor Karen M. Ostrand, President Kenneth De Angeles, Vice-President Bill Arnold, Council Members Kevin Docherty, Sandy Keblbeck-Kelley, Gina Kent and Liz Reese
  - Staff Present –Town Management Consultant, Terry O’Neil, Kim Stanton, Town Clerk; and Administrative Assistant, Shannon Roger

2. **Approval of Minutes** – Council Member Docherty, seconded by Council Member Reese, made a motion to approve the Minutes of the August 14, 2023 regular meeting.

All in Favor: Yes: De Angeles, Arnold, Docherty, Reese, Kelley, Kent; No: None; Motion Passed – 6-0

3. **Comments from the public on topics not on the Agenda** – Ann Kagdis, resident of Ocean Breeze Resort, announced that she was the President of the History Museum of Jensen Beach. She requested a donation to the History Museum in the amount of \$150.00 which represented the sponsorship level. She also requested a donation to the Entrepreneurship Foundation in the amount of \$200.00 to support high school students in the classroom. She spoke about the art and music auction, which was held in April of each year, and benefited the art and music programs at Jensen Beach Elementary School and Jensen Beach High School. She requested that the Town Council consider again donating a basket of items for the auction; she also asked the Town Council and the Mayor to consider donating their services for set-up and break-down.

President De Angeles inquired of Mr. O’Neil the process for making such a donation.

Mr. O’Neil answered that the Town Council had decided during the budget hearings that a certain amount of money would be set aside in the budget for such donations and that each request would be considered, and that these requests could be considered at the budget hearing or at the next regular meeting in October and he suggested making a decision on this request at a subsequent meeting.

Dedrie Henry, resident of Ocean Breeze Resort commented that she supported these donations.

President De Angeles asked for further comments from the public.

There were none.

4. **Comments from the Council on topics not on the Agenda** – Council Member Docherty commented that he and the Mayor attended the Florida League of Cities Legislative conference in Orlando, and gave an update on the Finance, Taxation and Finance Committee meetings he attended. He reiterated the importance of the Town having a voice at these meetings.

**5. Comments from Town Management Consultant Terry O'Neil** – There were none.

Council Member Docherty commented that he had been working with Mr. O'Neil and Martin County to upgrade the striping, crosswalks, and signs on Indian River Drive.

**6. Comments from Mayor Ostrand** – Mayor Ostrand spoke about her recent attendance at the Florida League of Cities conference in Orlando and reported on insurance, Home Rule, committees, the Sunshine Law, the Florida League of Cities, and local representatives. She reiterated the importance of the Town's involvement.

**7. Announcements** – Meetings to be held at the Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze.

- Proposed Budget and Tentative Millage Rate Hearing, Wednesday, September 13, 2023 at 6:00 pm
- Final Budget Hearing and Millage Rate Hearing, Wednesday, September, 20, 2023 at 6:00 pm
- Regular Town Council Meeting, Monday, October 9, 2023 at 6:00 pm
- Canvassing Board Meeting, Wednesday, November 8, 2023 at 10:00 am
- Regular Town Council Meeting, Monday, November 13, 2023 at 10:30 am

**8. Adjourn** – President De Angeles asked for a motion to adjourn.

Council Member Arnold, seconded by Council Member Docherty, made a motion to adjourn the meeting at 11:15AM.

Respectfully submitted,

Kim Stanton  
Town Clerk

Minutes approved: \_\_\_\_\_

TOWN OF OCEAN BREEZE  
MINUTES REGULAR TOWN COUNCIL MEETING  
Monday, October 9, 2023, 6:00 p.m.  
Ocean Breeze Resort Clubhouse, Pineapple Bay Room  
700 NE Seabreeze Way, Ocean Breeze, FL

1. **Call to Order** – President De Angeles called the meeting to order at 6:00 p.m.
  - Pledge of Allegiance – Representative John Snyder led the Pledge of Allegiance
  - Roll Call – Present: Mayor Karen M. Ostrand, President Kenneth De Angeles, Council Members Kevin Docherty, Sandy Kelley, Gina Kent and Liz Reese
  - Staff Present –Town Management Consultant, Terry O’Neil; Town Financial Consultant, Holly Vath; Town Clerk, Kim Stanton; and Permit Processor, Pam Orr
2. **Approval of Minutes** – President De Angeles announced that the following minutes were in the process of being prepared:
  - Regular Town Council Meeting, Monday, September 11, 2023
  - Proposed Budget and Tentative Millage Rate Hearing, Wednesday, September 13, 2023
  - Final Budget and Millage Rate Hearing, Wednesday, September 20, 2023

**3. Presentation by Representative John Snyder, Florida District 86, Florida House of Representatives, regarding legislative activities** – President De Angeles introduced Representative John Snyder.

Representative Snyder gave a legislative recap regarding term limits, the upcoming legislative session, influx of new residents to the State of Florida, public safety, law enforcement incentives, food safety, costs of prescription drugs, property insurance, comprehensive tort reform, state budget and unclaimed property. He took questions and comments from the Council regarding property insurance, the mental health crisis and the police departments.

Mayor Ostrand introduced Ruth Pietruszewski, Martin County Tax Collector.

Ruth Pietruszewski spoke about the Tax Collector’s office, budget and surplus.

**4. RESOLUTION NO. 342-2023 – A RESOLUTION OF THE TOWN OF OCEAN BREEZE, FLORIDA RECOGNIZING CITY GOVERNMENT WEEK, OCTOBER 16-22, 2023, AND ENCOURAGING ALL CITIZENS TO SUPPORT THE CELEBRATION AND CORRESPONDING ACTIVITIES** – Mayor Ostrand read the resolution into the record. She explained the Resolution and invited everyone to take a pen and bumper sticker; and to also enjoy the refreshments.

President De Angeles asked for a motion to approve Resolution No. 342-2023.

Council Member Docherty, seconded by Council Member Kent, made a motion to adopt Resolution No. 342-2024.

President De Angeles asked for public comment.

There were none.

All in Favor: Yes: De Angeles, Docherty, Kelley, Kent, Reese; No: None; Motion Passed

**5. Resolution No. 343-2023 – A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA AUTHORIZING BUDGET AMENDMENT #4 TO THE GENERAL FUND BUDGET IN THE AMOUNT OF \$39,450 TO RECOGNIZE ADDITIONAL GENERAL GOVERNMENT AND PUBLIC SAFETY EXPENSES, PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES** – Holly Vath, Financial Consultant introduced Resolution No. 343-2023. She explained the details of the Resolution.

President De Angeles asked the Town Clerk to read Resolution No. 343-2023 into the record.

Kim Stanton, Town Clerk, read the title of Resolution No. 343-2023 into the record.

President De Angeles asked for a Motion to approve Resolution No. 343-2023.

Ms. Vath and Mr. O’Neil took questions from the Council.

Council Member Kelley asked for the item to be tabled until the next Town Council Meeting to gather additional information pertaining to the public safety item.

Ms. Vath explained that the Auditor General of the State of Florida required a balanced budget by November 30, 2023.

Council Member Kelley, seconded by Council Member Reese, made a Motion to table Resolution No. 343-2023 until the next regular meeting.

President De Angeles asked for public comment.

Lynn Rush, Ocean Breeze Resort, asked Council Member Kelley about her Motion.

Council Member Kelley asked for a line-item detail for Code Compliance – Legal.

Ms. Vath stated that Kim Stanton would provide Council Member Kelley with a transaction register.

Council Member Kelley answered “yes.”

Roll Call Vote – Yes: Kent, Reese, Kelley, De Angeles, Docherty; No: None; Motion Passed - 5 - 0

Council Member Docherty spoke about the importance of Home Rule as it related to the Town.

**6. Update on status of November 7, 2023 Town Council Election** – Kim Stanton, Town Clerk, provided an update on the status of the election. She stated that due to the withdrawal of three candidates, Kevin Docherty, Michael Heller and Mathew Squires would be sworn into office on December 11, 2023.

**7. Comments from the public on topics not on the agenda** – President De Angeles asked for comments from the public on topics not on the Agenda.

There were none.

**8. Comments from the Council on topics not on the Agenda** – President De Angeles asked for comments from the Council on topics not on the Agenda.

Council Member Docherty stated that Mayor Ostrand would have comments regarding a letter that the residents of the Ocean Breeze Resort received.

**9. Comments from Town Management Consultant, Terry O'Neil** – There were none.

**10. Comments from Mayor Ostrand** – Mayor Ostrand spoke about the invitation to the Treasure Coast Regional League of Cities luncheon held on October 18, 2023 at 11:30 a.m. hosted by the City of Stuart. She asked the Town Council to let her know who would be in attendance.

Council Member Docherty stated that the Treasure Coast Regional League of Cities Board meeting would be held at 10:30 a.m.

Mayor Ostrand discussed the address change for the office at Ocean Breeze Resort, state legislators, Jensen Beach and the Town of Ocean Breeze, the budget amendment, and Martin County Sheriff's Department patrols within the Town.

Discussion ensued regarding the Martin County Sheriff's Department patrols within the Town.

Mayor Ostrand thanked everyone for coming to the meeting to listen to Representative Snyder; and she recognized Sheriff William Snyder.

Mayor Ostrand discussed the Florida League of Cities legislative meetings and the topics of law enforcement, recruitment and retention, short-term rentals, and cyber security.

**11. Announcements** – Regular Town Council Meeting, held Monday, November 13, 2023 at 10:30 a.m. at Ocean Breeze Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze

**12. Adjourn** – Council Member Reese, seconded by Council Member Kent, made a motion to adjourn the meeting at 7:10 p.m.

All in Favor: Yes: De Angeles, Docherty, Kelley, Kent, Reese; No: None; Motion Passed – 5 - 0

Respectfully Submitted,

*Kim Stanton*  
Town Clerk

Minutes approved: \_\_\_\_\_

## Permits

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**From:** permits@townofoceanbreeze.org  
**Sent:** Tuesday, December 6, 2022 5:19 PM  
**To:** Zachary Griffin  
**Cc:** Terry O'Neil; Scott Montgomery; Rick Crary II; steve.buildingofficial@gmail.com; 'Shaun G. MacKenzie, P.E.'; Melissa Corbett; Nicholas Meyer; Deborah Ross; Kristen L Northup; Gary W Brunk  
**Subject:** Close-Out List  
**Attachments:** CLOSE-OUT SEAWALK WORKING LIST Dec 6, 2022.pdf

Please see the attached close-out working list. We look forward to working with you to resolve any remaining issues.

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Pam Orr  
Permit Processor



Town of Ocean Breeze  
P. O. Box 1025  
Jensen Beach, FL 34957  
772-334-6826 office  
772-807-2557 cell  
townofoceanbreeze.org

**Please make note of my new email address: [Permits@townofoceanbreeze.org](mailto:Permits@townofoceanbreeze.org)**

SEAWALK CLOSE OUT -- WORKING LIST, SUBJECT TO CHANGE,  
DEC 6, 2022

PUD	Issue	Status	Okayed by Mackenzie Engineering	Okayed by Town Engineer	Okayed by Town Attorney	Okayed by Town Landscape Expert	Okayed by Town Building Official	Approved by Mayor	Resolved
1	Lucido & Associates statement of overall compliance with the PUD including a recitation of all pertinent ordinances and amending resolutions. (Are any amendments needed?)	Pending							
2	Need confirmation from the Town's reviewing engineer (Mackenzie) that the project's final configuration is consistent with the PUD master site plan. (Are any amendments needed?)	Pending							
3	Statement from Mackenzie Engineering that individual parcel landscaping has been installed in accordance with the PUD.	Pending							
4	Lucido & Associates statement of landscaping compliance.	Received							
5	Pursuant to condition 4 of the PUD agreement, the Town will be obtaining an independent inspection of the final common area landscaping, the cost of which is to be borne by the developer. The Town has requested a proposal from local landscape architect, Mike Flaugh, and will share and discuss the proposal with the Developer before any work proceeds. Developer shall pay Flaugh directly.	Underway				Pending			
6	Need EW (Paul Ezro's) certification that all preserve areas are free of exotics, debris, intrusions caused by construction activities, etc., and are in compliance with the PAMP, and that all PAMP reporting obligations to the Town are up to date.	Pending							
7	With the exception of entrance landscaping features, the PUD prescribes that "there is no permanent irrigation of the common areas." Notwithstanding this provision, common areas have apparently been piped for irrigation, some of which may be connected to the water services of individual lot owners. This arrangement is not in compliance with the PUD and should be corrected or proposed as an alternative configuration possibly via a minor PUD amendment application. Whatever the resolution, it must be demonstrated that the common area vegetation will be reliably sustained in a viable condition.	Pending							
8	Confirmation that entrance lock box configurations in compliance with the County Sheriff and Emergency Services current standards?	Pending							✓
9	Has a Sheriff's Department patrol agreement been executed?	Pending							✓
10	Health Department approval of community pool.	Pending							
11	Copy of Ocean Breeze Plaza access agreement	Pending							
12	Copy of trash collection agreement	Pending							



PUD	Issue	Status	Okayed by Mackenzie Engineering	Okayed by Town Engineer	Okayed by Town Attorney	Okayed by Town Landscape Expert	Okayed by Town Building Official	Approved by Mayor	Received
<b>Infrastructure &amp; Bond</b>									
13	Bond refund/reduction to follow the process in the bond agreement/contract and outline provided by the Town Attorney dated October 12, 2022. (See attachment # 1)								
14	Prior to Mayor's approval, Mackenzie, Town Attorney and Town Engineer to approve bond refund/reduction submittal package for completeness and content vis-a-vis the bond terms and bond contract. HOA Attorney has requested copy of documentation before Mayor affixes her signature.	Pending							
15	Comprehensive statement from Mackenzie Engineering certifying that all Infrastructure components have been installed properly and in accordance with the approved Infrastructure plan and are consistent with the as-built plans.	?							
16	Does the as-built Infrastructure plan submitted by the developer's design engineer(s) of record and approved by Mackenzie Engineering, account for DR Horton's placement of fill on individual sites and is the existing configuration and what's shown by the as-builts one in the same?	Pending							
17	The project's Infrastructure was designed (and partially certified?) by engineer of record Grizelka Engineering before the developers advised the Town on June 15, 2021 that Grizelka was no longer under contract and that MIL Corps would be (partially?) playing that role. The Town will require a statement from the developer(s), acceptable to the Town, as to which engineer is the engineer-of-record and for which components of the Infrastructure plan. There can be no ambiguity with regard to which engineer is responsible.	Pending							
18	The Town has received video evidence that storm water is exiting southward from the Ocean Breeze Plaza property that may be posing an erosion risk to the Seawalk Development. Please confirm that the Seawalk Infrastructure design took into account historical storm water flows from the Plaza site. Whether the Plaza's discharge exceeds what the Seawalk site is obliged to accommodate is not known at this time.	Pending							
19	The Town is in receipt of several emails from the HOA residents that drainage on individual parcels is flawed. These issues need to be addressed in the context of the Infrastructure's overall certification. (See attachment # 2).	Pending							
20	The Town is in receipt of several emails from the HOA concerning the adequacy of entrance gates, other gates, security electronics, etc. copies attached. These issues need to be addressed in the context of the Infrastructure's overall certification. (See attachment # 3).	Pending							

PUD	Issue	Status	Okayed by Mackenzie Engineering	Okayed by Town Engineer	Okayed by Town Attorney	Okayed by Town Landscape Expert	Okayed by Town Building Official	Approved by Mayor	Resolved
21	Confirm that the project's entrance gates are in compliance with ASTM Designation F2200-20 "Standard Specification for Automatic Vehicular Gate Construction"	Pending							
22	Please address reports that the entrance call boxes are causing low voltage shocks.	Pending							
23	Parcel 1 site deficiencies. Developer, together with the lot owner and HOA, to apply for and obtain a permit to make remedial improvements to Parcel 1 that address inconsistencies with the infrastructure plan and/or the individual parcel plan, including but not limited to improper grading and slopes, risks of erosion and questionable access to perimeter landscaping. Further, to the extent that the remedial work impacts the adjoining preserve area, those impacts must be offset by new native plantings specified by EW (Paul Ezro), to be shown on the plan and approved by the Town."	Pending							
24	Confirmation that all required survey activities, including lot markers in the field, documentation, etc. have been completed per FL statute, approved, and on file with the Town.	Pending							✓
25	Confirmation that the development's fire hydrant system has been inspected and accepted by the County Fire and Utilities Department.	Pending							✓
26	Documentation needed confirming Martin County's acceptance of all off-site improvements. (sidewalk(s), signage, etc.)	Pending							✓
27	Proof of County acceptance of water line on Parcel A	Received							✓
28	SFWMD Docs	Received							✓
29	MC Utility Service Agreement	Pending							✓
30	Make the Developer, HOA and HOA Attorney aware of prior correspondence from the County Engineer's Department questioning whether the project's stormwater design was the cause of flooding on adjacent residential properties in the County, including Mackenzie Engineering's review and determination that no design or code violations exist. (See attachment # 4).	Done							
<b>General</b>									
31	Over the course of the project's development both individual residents and the HOA have raised several questions or concerns regarding components of both the PUD and the scope of the infrastructure improvements. (See attachment # 5). These issues need to be addressed or confirmed as resolved by the Developer.								

**PERFORMANCE SURETY BOND**  
Sea Walk in Town of Ocean Breeze Phase 1 and Phase 2

Bond No. K09676235

**KNOWN ALL MEN BY THESE PRESENTS:**

That FORESTAR (USA) REAL ESTATE GROUP INC., a Delaware Corporation, as Principal, and WESTCHESTER FIRE INSURANCE COMPANY, as Surety, are held and firmly bound unto the TOWN OF OCEAN BREEZE, FLORIDA, as Obligee, in the sum of Three Million Nine Hundred Sixty Five Thousand Nine Hundred Fifty One and 44/100 Dollars (\$3,965,951.44), for the payment of which sum, well and truly to be made, the Principal and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

This bond is delivered to Obligee pursuant to Town Code, and the terms of Section 5 of the Town Resolution No. 277-2018 regarding plat approval of Ocean Breeze West P.U.D. As a condition precedent to the Obligee's agreement(s), approval(s), and/or acceptance(s), the Principal is required to deliver a good and sufficient bond to warrant and ensure the construction of all necessary infrastructure to support the Ocean Breeze West P.U.D. Plat pursuant to the engineer's cost estimate attached as Exhibit A, and to indemnify and save harmless the Obligee from any and all damages and costs caused by the failure to complete the said construction.

The condition of this obligation is such that if the Principal fully performs its obligations to complete the construction by March 13, 2020, as evidenced by written approval of the Obligee, then this bond shall be reduced, per the terms of the Contract for Construction. Otherwise, this bond remains in full force and effect.

The Surety unconditionally agrees that, upon 30 days written notice by the Obligee (or its authorized agent or officer) stating that the Principal has defaulted on its obligations to perform and complete the construction, the Surety will fully perform and complete the work, pay the costs of doing so, and indemnify, defend and hold harmless the Obligee for any and all damages and costs (including attorneys' fees) incurred as a result of the Principal's default, up to the dollar amount of this bond stated above. If the Surety fails to perform its obligations under this bond, the Obligee shall have the right to resort to any and all legal and equitable remedies against the Principal and the Surety, or either one of them, including, but not limited to, specific performance.

The Surety and the Principal jointly and severally agree that, as an alternative to requiring the Surety to perform and complete the construction, upon the Principal's default, the Obligee, at its option, shall have the right to perform and complete the work (either itself or through its agents or contractors). In the event the Obligee elects to exercise this right, the

Surety and Principal shall be jointly and severally liable to reimburse the Obligee for all costs of performing and completing such work and indemnify, defend and hold harmless the Obligee for any and all damages and costs (including attorneys' fees) incurred as a result of the Principal's default, up to the dollar amount of this bond stated above.

IN WITNESS WHEREOF, the Principal and Surety have caused this performance bond to be executed by their authorized agents this 27th day of August, 2018.

**SURETY**  
WESTCHESTER FIRE INSURANCE  
COMPANY

By: Brandy L. Baich  
Name: Brandy L. Baich  
Title: Attorney-in-Fact & FL Licensed  
Resident Agent

**PRINCIPAL**  
FORESTAR (USA) REAL ESTATE GROUP  
INC.

By: [Signature] <sup>BAB</sup>  
Name: Michael Quinley  
Title: Senior Vice President

*Power of Attorney Must be Attached*

c/o Willis of Florida, Inc.  
4211 W. Boy Scout Blvd., Ste. 1000  
Tampa, FL 33607  
Inquiries: (813) 281-2095

# CHUBB

## Power of Attorney

Westchester Fire Insurance Company | ACE American Insurance Company

Know All by These Presents, that WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY corporations of the Commonwealth of Pennsylvania, do each hereby constitute and appoint Brandy L. Baich of Tampa, Florida

each as their true and lawful Attorney-in-Fact to execute under such designation in their names and to affix their corporate seals to and deliver for and on their behalf as surety thereon or otherwise, bonds and undertakings and other writings obligatory in the nature thereof (other than bail bonds) given or executed in the course of business, and any instruments amending or altering the same, and consents to the modification or alteration of any instrument referred to in said bonds or obligations.

In Witness Whereof, WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY have each executed and attested these presents and affixed their corporate seals on this 22<sup>nd</sup> day of August, 2018.

*Dawn M. Chloros*

Dawn M. Chloros, Assistant Secretary

*Stephen M. Haney*

Stephen M. Haney, Vice President



### STATE OF NEW JERSEY

County of Hunterdon

ss.

On this 22<sup>nd</sup> day of August, 2018, before me, a Notary Public of New Jersey, personally came Dawn M. Chloros, to me known to be Assistant Secretary of WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY, the companies which executed the foregoing Power of Attorney, and the said Dawn M. Chloros, being by me duly sworn, did depose and say that she is Assistant Secretary of WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY and knows the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereto affixed by authority of said Companies; and that she signed said Power of Attorney as Assistant Secretary of said Companies by like authority; and that she is acquainted with Stephen M. Haney, and knows him to be Vice President of said Companies; and that the signature of Stephen M. Haney, subscribed to said Power of Attorney is in the genuine handwriting of Stephen M. Haney, and was thereto subscribed by authority of said Companies and in deponent's presence.

Notarial Seal



KATHERINE J. ADELAAR  
NOTARY PUBLIC OF NEW JERSEY  
No. 2310805  
Commission Expires July 10, 2019

*Katherine J. Adelaar*  
Notary Public

### CERTIFICATION

Resolutions adopted by the Boards of Directors of WESTCHESTER FIRE INSURANCE COMPANY on December 11, 2006 ; ACE AMERICAN INSURANCE COMPANY on March 20, 2009:

"RESOLVED, that the following authorizations relate to the execution, for and on behalf of the Company, of bonds, undertakings, recognizances, contracts and other written commitments of the Company entered into in the ordinary course of business (each a "Written Commitment"):

- (1) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise.
- (2) Each duly appointed attorney-in-fact of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise, to the extent that such action is authorized by the grant of powers provided for in such person's written appointment as such attorney-in-fact.
- (3) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to appoint in writing any person the attorney-in-fact of the Company with full power and authority to execute, for and on behalf of the Company, under the seal of the Company or otherwise, such Written Commitments of the Company as may be specified in such written appointment, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
- (4) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to delegate in writing to any other officer of the Company the authority to execute, for and on behalf of the Company, under the Company's seal or otherwise, such Written Commitments of the Company as are specified in such written delegation, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
- (5) The signature of any officer or other person executing any Written Commitment or appointment or delegation pursuant to this Resolution, and the seal of the Company, may be affixed by facsimile on such Written Commitment or written appointment or delegation.

FURTHER RESOLVED, that the foregoing Resolution shall not be deemed to be an exclusive statement of the powers and authority of officers, employees and other persons to act for and on behalf of the Company, and such Resolution shall not limit or otherwise affect the exercise of any such power or authority otherwise validly granted or vested."

I, Dawn M. Chloros, Assistant Secretary of WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY (the "Companies") do hereby certify that

- (i) the foregoing Resolutions adopted by the Board of Directors of the Companies are true, correct and in full force and effect.
- (ii) the foregoing Power of Attorney is true, correct and in full force and effect.

Given under my hand and seals of said Companies at Whitehouse Station, NJ, this August 27, 2018



*Dawn M. Chloros*

Dawn M. Chloros, Assistant Secretary

IN THE EVENT YOU WISH TO VERIFY THE AUTHENTICITY OF THIS BOND OR NOTIFY US OF ANY OTHER MATTER, PLEASE CONTACT US AT:  
Telephone (908) 903-3493 Fax (908) 903-3656 e-mail: surety@chubb.com

**CONTRACT FOR CONSTRUCTION OF REQUIRED IMPROVEMENTS AND INFRASTRUCTURE FOR OCEAN BREEZE  
WEST PLANNED UNIT DEVELOPMENT (PUD)**

THIS CONTRACT, made and entered on the 24th day of August, 2018 by and between FORESTAR (USA) REAL ESTATE GROUP, INC., a Delaware Corporation, hereinafter referred to as the "Developer", and the TOWN OF OCEAN BREEZE, a municipal corporation of the State of Florida, hereinafter referred to as the "Town".

**WITNESSETH:**

WHEREAS, the Developer has made application to the Town for approval and recordation of the plat of Ocean Breeze West a PUD; and

WHEREAS, Resolution No. 277-2018 provides that prior to plat recordation, security must be posted to insure completion of certain improvements and infrastructure as hereinafter described.

NOW, THEREFORE, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, the Developer and Town agree as follows:


1. By March 13<sup>th</sup>, 2020, Developer shall complete the required improvements and infrastructure for the above referenced project pursuant to the final site plan approved on March 13, 2017, and construction plans accepted by the Mayor or her designee, hereinafter referred to as the Mayor. The itemized list of required improvements and infrastructure is more particularly set forth in Exhibit "A", attached hereto and made a part hereof.
2. The Developer shall supply the Town with security, in a form acceptable to the Board of County Commissioners, in the amount of \$3,965,951.44. Said security is attached as Exhibit "B", which represents one hundred and ten percent (110%) of the estimated cost of the completion of the required improvements and infrastructure as submitted by a professional engineer licensed in the State of Florida and accepted by the Mayor and as shown on Exhibit "A". The expiration date for any security provided shall be no sooner than fifteen (15) months after the completion date for the required improvements as set forth in Paragraph 1 above which is comprised of the warranty period plus three months.
3. The required improvements and infrastructure shall be constructed in full compliance with the specifications and requirements of the Town under the supervision of the Town Engineer. When complete, Developer's Engineer shall furnish an Engineer's Certificate of Construction Completion to the Mayor for acceptance.
4. Release of Security
  - a. Upon receipt of the Engineer's Certificate of Construction Completion and a request to release up to ninety percent (90%) of the posted security, the Town Engineer will perform a site inspection of the constructed improvements and infrastructure with the Developer's Engineer. Should it be determined that all Improvements and infrastructure are complete and acceptable to the Town Engineer, up to ninety percent (90%) of the posted security shall be released accordingly. At the request of the Developer's Engineer in the form of a reduction schedule, partial releases may be authorized by the Mayor up to ninety percent (90%) of the posted security as work is completed and accepted. The remaining ten percent (10%) shall be held as warranty security.
  - b. In the event Developer's Engineer and the Mayor agree that certain "punchlist" items remain outstanding, one hundred percent (100%) of the value of said "punchlist" items shall be added to the ten percent (10%) and included as warranty security.
  - c. The warranty security shall be held for the additional fifteen (15) months from the date of the site acceptance by the Mayor, at which time the Developer's Engineer shall request it's release and the Town Engineer will perform a final inspection on behalf of the Mayor. If all improvements and infrastructure, including "punchlist" items, are free of defects due to faulty

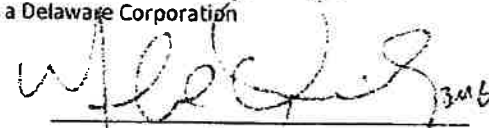
field engineering, construction, workmanship, or materials, the warranty security shall be released by Mayor.

5. In the event said required improvements and infrastructure are not completed by the date set forth in Paragraph 1, or Developer fails to maintain the required security as set forth in Paragraph 2, or the Town is advised that the term of the required security will not be extended, Town shall have, and is hereby granted, the right to cause the required improvements and infrastructure to be made and to use the security provided herewith for payment of all costs and expenses incurred in the construction thereof, including but not limited to, engineering, legal, and contingent costs. Furthermore, it is agreed by the parties hereto that Town shall be reimbursed from the security provided for any damages, either direct or consequential, which the Town may sustain as a result of the failure of Developer to carry out and execute all of the provisions of this Contract. Town shall have the option to construct and install the required improvements with Town employees and equipment or pursuant to public advertisement and receipt of bids, in the event of Developer's failure or refusal to do so in accordance with the terms of this Contract. In the event that the total costs incurred in construction and full completion of the improvements exceeds the amount of security provided, such additional costs shall be paid by Developer on written demand by the Mayor.
6. Developer designates the following person as its representative to be contacted and to receive all notices regarding this Contract:

Forestar (USA) Real Estate Group, Inc.  
Attn: Michael Quinley  
3330 Cumberland Boulevard, Suite 275  
Atlanta, Georgia 30339  
Phone: (770) 272-7760  
Fax: (770) 272-7440  
Email: michaelquinley@forestargroup.com

IN WITNESS WHEREOF, the parties hereto have executed these presents on the dates indicated below. The date of this contract shall be the date on which this Contract was approved by the Town of Ocean Breeze.

  
\_\_\_\_\_  
Brian Burdette  
Print Name: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Frank Cavelli  
Print Name: \_\_\_\_\_

DEVELOPER:  
FORESTAR (USA) REAL ESTATE GROUP, INC.,  
a Delaware Corporation  
  
By: Michael Quinley  
Its: President - East Region

## INDEMNITY AGREEMENT

The undersigned has full authority to bind Forestar (USA) Real Estate Group, Inc., a Delaware Corporation (Fee Owner), to the terms of this Indemnity Agreement. As authorized by Section 553.791 Florida Statutes, Fee Owner has elected to use one or more private providers to provide plan reviews, inspections and certification services for all civil engineering work, vertical construction and all other improvements authorized under the Ocean Breeze West P.U.D. and it's related plat approved by Town Resolution No. 277-2018, for which permits are required to be obtained by Fee Owner. Fee Owner understands that the Town Engineer and Building Official might not review the plans submitted or perform the required inspections to determine compliance with the applicable codes, except to the extent specified in said law. The Town Engineer's and Building Official's duties shall be limited to reviewing the paperwork submitted by Fee Owner's private provider(s) to determine that plan review and inspection services have been performed by the private provider, including ensuring that an affidavit for the plan review has been properly completed and affixed to the permit documents and that the minimum inspections required have been performed and properly noted. In no event shall the Town Engineer or Building Official be required to replicate the plan review or inspection being performed by the private provider. Instead, plan reviews and inspections will be performed by the licensed civil engineer and licensed building code administrator, identified in Fee Owner's written notice (or application) on file with the Town Clerk. Fee Owner shall be responsible for confirming that the private provider carry and maintain the minimum insurances required by the Town of Ocean Breeze, but Fee Owner understands that it may require the private providers to carry more insurance to protect Fee Owner's interests. By executing this form, Fee Owner warrants and represents that it has made inquiry regarding the competence of the private providers and the level of the private provider's insurance, and Fee Owner is satisfied that its interests are adequately protected, and Fee Owner Warrants and represents to the Town that all work on it's property shall comply with all applicable laws, codes and ordinances.

Accordingly, for and in consideration of permission to use private provider services in place of services that might otherwise be provided by the Town Engineer and Building Official, and for ten dollars and other good and valuable consideration, receipt of which is hereby acknowledged, the Fee Owner hereby agrees to fully indemnify, defend, and hold harmless the Town of Ocean Breeze and the Town Engineer, Building Official (and all other officials, representatives and personnel of the Town having any oversight responsibility with respect to services being provided by Fee Owner's private providers) from and against any and all claims, suits, judgments, fines, liability, damages to persons or property, fees (including reasonable attorneys' fees at all judicial levels) whatsoever, arising from or related to Fee Owner's use of private provider(s) to perform plan reviews and inspection services related to civil engineering work on or adjacent to Fee Owner's property.

Made as of this 27<sup>th</sup> day of August, 2018.

Forestar (USA) Real Estate Group, Inc.,  
a Delaware Corporation

By: Michael Quinley

Its: President - East Region

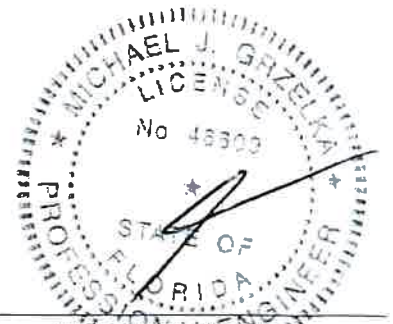
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## OCEAN BREEZE PARK WEST

### ENGINEER'S OPINION OF PROBABLE COSTS OF IMPROVEMENTS



Michael J. Grzelka P.E.  
Florida Registration No. 46609  
1 June 2018

## Phase 1 Site Prep

Description	QTY	U/M	Unit Cost	Extension
<b>General Conditions</b>				
Mobilization	1	Each	\$7,500.00	\$7,500.00
Silt Fence	6,100	LF	\$1.50	\$9,150.00
Aggregate construction entrance	1	Each	\$2,500.00	\$2,500.00
Sub-Total General Conditions				\$19,150.00

### Demolition

Site-Clearing & Grubbing	21	Acre	\$3,850.00	\$80,850.00
Hand Clearing & Grubbing	3	Acre	\$8,000.00	\$24,000.00
Disposal of Concrete	10	Load	\$875.00	\$8,750.00
Disposal of Trash(20 YD Dumpster)	3	Load	\$650.00	\$1,950.00
Sub-Total Demolition				\$115,550.00

### Earthwork

Strip 4" of Topsoil	73,350	SY	\$0.14	\$10,269.00
Displace Topsoil	8,100	CY	\$4.00	\$32,400.00
Excavate, Place & Compact	70,850	CY	\$2.85	\$201,922.50
Machine Grade -Building Pad (8" Below FFE)	41,465	SY	\$0.60	\$24,879.00
Machine Grade - Retention Area's	19,562	SY	\$0.80	\$15,649.60
Machine Grade - Site Rough Grading	60,578	SY	\$0.60	\$36,346.80
Machine Grade -R/W &Site Final Grade	41,015	SY	\$0.80	\$32,812.00
Perimeter Berm And/or Swale's	6,100	LF	\$4.00	\$24,400.00
Sub-Total Earthworks				\$378,678.90

### Option Included

Bahia Sod( Retention Area)	184,500	SF	\$0.28	\$51,660.00
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## Sub Total Phase 1

\$565,038.90

## Phase 2 Site Prep

Description	QTY	U/M	Unit Cost	Extension
<b>General Conditions</b>				
Mobilization	1	Each	\$7,500.00	\$7,500.00
Silt Fence	3,400	LF	\$1.50	\$5,100.00
Aggregate construction entrance	1	Each	\$2,500.00	\$2,500.00
Sub-Total General Conditions				\$15,100.00

<b>Demolition</b>				
Site-Clearing & Grubbing	21	Acre	\$3,850.00	\$80,850.00
Disposal of Concrete	30	Load	\$875.00	\$26,250.00
Disposal of Trash h(20 YD Dumpster)	5	Load	\$650.00	\$3,250.00
Fence Demo & Disposal	1	LS	\$20,000.00	\$20,000.00
Building Demo	1,250	SF	\$5.00	\$6,250.00
Sub-Total Demolition				\$136,600.00

<b>Earthwork</b>				
Strip 4" of Topsoil	68,945	SY	\$0.14	\$9,652.30
Displace Topsoil	7,650	CY	\$4.00	\$30,600.00
Excavate Uncompacted Soil &Recompact (6'Deep)	16,600	CY	\$4.00	\$66,400.00
Excavate, Place & Compact	28,300	CY	\$2.85	\$80,655.00
Machine Grade -Building Pad	61,905	SY	\$0.60	\$37,143.00
Machine Grade - Retention Area's	13,665	SY	\$0.80	\$10,932.00
Machine Grade - Site Rough Grading	40,395	SY	\$0.60	\$24,237.00
Machine Grade -R/W &Site Final Grade	26,726	SY	\$0.80	\$21,380.80
Perimeter Berm And/or Swale's	3,400	LF	\$4.00	\$13,600.00
Sub-Total Earthworks				\$294,600.10

<b>Option Included</b>				
Bahia Sod( Retention Area)	128,250	SF	\$0.28	\$35,910.00

**Sub Total Phase 2** **\$482,210.10**

## Phase 1 Paving/Sidewalks/Curbs

Description	QTY	U/M	Unit Cost	Extension
<b>Paving</b>				
Mobilization	1	Each	\$2,500.00	\$2,500.00
Install 12" Stabilized subgrade	13,192	SY	\$3.00	\$39,576.00
8" Optional Base Group 6w/prime	11,061	SY	\$20.64	\$228,299.04
Asphalt Bottom Lift 1 1/4" S.P. 12.5	11,061	SY	\$9.25	\$102,314.25
Asphalt Top Lift 1" Thick S.P. 9.5 w/tack coat	9,763	SY	\$7.35	\$71,758.05
Asphalt Top Lift 1" Thick S.P. 12.5 w/tack coat	1,298	SY	\$7.35	\$9,540.30
Onsite Phase 1 Striping and Signage	1	Each	\$18,500.00	\$18,500.00
Sub-Total Paving				\$472,487.64

### Sidewalks/Curbs

Header Curb	60	LF	\$25.00	\$1,500.00
Type D Curb	1,063	LF	\$14.00	\$14,882.00
Type F Curb	603	LF	\$20.00	\$12,060.00
2' Valley Gutter	7,053	LF	\$12.50	\$88,162.50
4" Concrete Sidewalk-6' wide	9,238	SF	\$4.00	\$36,952.00
6" Concrete Sidewalk/Driveway	144	SF	\$4.60	\$662.40
Grading for Concrete Sidewalk	9,238	SF	\$1.00	\$9,238.00
Thickened Edge @ SW	165	LF	\$35.00	\$5,775.00
Lift Station Drive	476	SF	\$10.00	\$4,760.00
H/C Ramps w/Det. Warning Mat	4	Each	\$1,200.00	\$4,800.00
6" Concrete Bike Rack	85	SF	\$4.60	\$391.00
Sub-Total Sidewalks/ Curbs				\$179,182.90

**Sub Total Phase 1**

**\$651,670.54**

**Phase 2 Paving/Sidewalks/Curbs**

Description	QTY	U/M	Unit Cost	Extension
<b>Paving</b>				
Mobilization	1	Each	\$2,500.00	\$2,500.00
12" Stabilized Subgrade	6,453	SY	\$3.00	\$19,359.00
8" Base Rock	5,214	SY	\$20.64	\$107,616.96
Asphalt Bottom Lift 1 1/4" S.P 12.5	5,214	SY	\$9.25	\$48,229.50
Asphalt Top Lift 1" S.P. 9.5	5,214	SY	\$7.35	\$38,322.90
Sub-Total Paving				\$216,028.36

**Sidewalks/Curbs**

Valley Curb	4,537	LF	\$12.50	\$56,712.50
4" thick Concrete sidewalk 6' wide	6,276	SF	\$4.00	\$25,104.00
Grading for concrete sidewalk	6,276	SF	\$1.00	\$6,276.00
Paver Brick Drive	695	SF	\$15.00	\$10,425.00
Striping & Signage	1	Each	\$8,500.00	\$8,500.00
Sub-Total Sidewalks/ Curbs				\$107,017.50

**Sub Total Phase 2****\$323,045.86**

## Phase 1 Water/ Sewer

Description	QTY	U/M	Unit Cost	Extension
<b>Storm Drainage</b>				
Type C - Ditch Bottom Inlet	3	Each	\$2,300.00	\$6,900.00
Type E- Ditch Bottom Inlet	1	Each	\$3,300.00	\$3,300.00
Type C Inlet	1	Each	\$2,900.00	\$2,900.00
4' Valley Inlet	17	Each	\$3,300.00	\$56,100.00
4' Curb Inlet	2	Each	\$2,900.00	\$5,800.00
4' Manhole	1	Each	\$3,100.00	\$3,100.00
15" Reinforced concrete pipe	949	LF	\$28.00	\$26,572.00
18" Reinforced concrete pipe	1,432	LF	\$39.00	\$55,848.00
15"/18" Mitered End Outfall not FDOT	6	Each	\$1,000.00	\$6,000.00
5'X5' Concrete Splash Pad	6	Each	\$1,000.00	\$6,000.00
Sub-Total Storm Drainage				\$172,520.00

Description	QTY	U/M	Unit Cost	Extension
<b>Sewer</b>				
Lift Station Vacuum Pump included	1	Each	\$413,400.00	\$413,400.00
12"x4" Tapping Sleeve & Valve	1	Each	\$3,800.00	\$3,800.00
4" C900 PVC	80	LF	\$22.00	\$1,760.00
MJ Fittings	160	Each	\$7.00	\$1,120.00
Manhole 0'-6' cut	6	Each	\$3,350.00	\$20,100.00
Manhole 6'-8' cut	2	Each	\$3,850.00	\$7,700.00
Manhole 10'-12' cut	1	Each	\$5,700.00	\$5,700.00
Manhole 12'-14' cut	1	Each	\$7,200.00	\$7,200.00
Manhole 14'-16' cut	3	Each	\$8,250.00	\$24,750.00
Manhole 16'-18' cut	1	Each	\$9,400.00	\$9,400.00
Manhole 18'-20' cut	1	Each	\$10,600.00	\$10,600.00
Drop Bowl Connection	4	Each	\$950.00	\$3,800.00
8" SDR26 PVC 0'-6' cut	1,307	LF	\$22.50	\$29,407.50
8" SDR26 PVC 6'-8' cut	578	LF	\$26.50	\$15,317.00
8" SDR26 PVC 10'-12' cut	350	LF	\$48.00	\$16,800.00
8"C900 PVC 12'-14' cut	337	LF	\$61.00	\$20,557.00
8"C900 PVC 14'-16' cut	346	LF	\$73.00	\$25,258.00
8"C900 PVC 16'-18' cut	276	LF	\$83.00	\$22,908.00
8"C900 PVC 18'-20' cut	227	LF	\$99.00	\$22,473.00
Single Lateral SDR26	7	Each	\$320.00	\$2,240.00
Double Lateral SDR26	27	Each	\$345.00	\$9,315.00
Single Lateral C900	6	Each	\$550.00	\$3,300.00
Double Lateral C900	4	Each	\$575.00	\$2,300.00
6" SDR26 PVC	1,450	LF	\$17.50	\$25,375.00
Cleanout (cover by others)	44	LF	\$110.00	\$4,840.00
Sub-Total Sewer Collection				\$709,420.50

**Phase 1 Water/ Sewer**

Description	QTY	U/M	Unit Cost	Extension
<b>Water</b>				
8" C900 PVC	4,580	LF	\$22.50	\$103,050.00
8" Directional Bore	60	LF	\$125.00	\$7,500.00
Connect to Bore	2	LF	\$1,250.00	\$2,500.00
6" Ductile Iron Pipe	60	LF	\$29.00	\$1,740.00
8" Gate Valve	12	Each	\$1,550.00	\$18,600.00
6" Gate Valve	11	Each	\$1,250.00	\$13,750.00
Fire Hydrant	8	Each	\$2,700.00	\$21,600.00
Permanent sampling point	1	Each	\$2,800.00	\$2,800.00
Deflection at conflicts	6	Each	\$2,500.00	\$15,000.00
MJ Fittings	4,385	Each	\$5.20	\$22,802.00
6" X 6" Tapping Sleeve & Valve	3	Each	\$4,100.00	\$12,300.00
8" X 8" Tapping Sleeve & Valve	1	Each	\$5,100.00	\$5,100.00
Single Water Service w/ meter box	12	Each	\$520.00	\$6,240.00
Double Water Service w/ meter box	32	Each	\$580.00	\$18,560.00
1" Polytubing	1,125	LF	\$7.50	\$8,437.50
Casing	490	LF	\$5.50	\$2,695.00
Fill & Flush or Cannon Connections	4	Each	\$1,750.00	\$7,000.00
Lift Station Water Service	1	Each	\$1,600.00	\$1,600.00
Sample Points	12	Each	\$510.00	\$6,120.00
Sub-Total Water Distribution				\$277,394.50

**SubTotal Phase 1****\$1,159,335.00**

**Phase 2 Water/ Sewer**

Description	QTY	U/M	Unit Cost	Extension
<b>Storm Drainage</b>				
Type C - Ditch Bottom Inlet	2	Each	\$2,300.00	\$4,600.00
Type E- Ditch Bottom Inlet	1	Each	\$3,300.00	\$3,300.00
4' Valley Inlet	13	Each	\$3,300.00	\$42,900.00
5' Valley Inlet	1	Each	\$5,000.00	\$5,000.00
4' Manhole	2	Each	\$3,100.00	\$6,200.00
5' Manhole	1	Each	\$5,000.00	\$5,000.00
15" Reinforced concrete pipe	148	LF	\$28.00	\$4,144.00
18" Reinforced concrete pipe	614	LF	\$39.00	\$23,946.00
24" Reinforced concrete pipe	633	LF	\$54.00	\$34,182.00
30" Reinforced concrete pipe	170	LF	\$76.00	\$12,920.00
15"/18" Mitered End Outfall not FDOT	2	Each	\$1,000.00	\$2,000.00
5'X5' Concrete Splash Pad	2	Each	\$1,000.00	\$2,000.00
Sub-Total Storm Drainage				\$146,192.00

Description	QTY	U/M	Unit Cost	Extension
<b>Sewer</b>				
Manhole 0'-6' cut	6	Each	\$3,350.00	\$20,100.00
Manhole 6'-8' cut	3	Each	\$3,850.00	\$11,550.00
8" SDR26 PVC 0'-6' cut	1,246	LF	\$22.50	\$28,035.00
8" SDR26 PVC 6'-8' cut	839	LF	\$26.50	\$22,233.50
Single Lateral SDR26	13	Each	\$320.00	\$4,160.00
Double Lateral SDR26	28	Each	\$345.00	\$9,660.00
6" SDR26 PVC	1,100	LF	\$17.50	\$19,250.00
Cleanout (cover by others)	41	LF	\$110.00	\$4,510.00
Sub-Total Sewer Collection				\$119,498.50

Description	QTY	U/M	Unit Cost	Extension
<b>Water</b>				
8" C900 PVC	2,280	LF	\$22.50	\$51,300.00
6" Ductile Iron Pipe	40	LF	\$29.00	\$1,160.00
8" Gate Valve	3	Each	\$1,550.00	\$4,650.00
6" Gate Valve	5	Each	\$1,250.00	\$6,250.00
Fire Hydrant	5	Each	\$2,700.00	\$13,500.00
Deflection at conflicts	2	Each	\$2,500.00	\$5,000.00
MJ Fittings	2,285	Each	\$5.20	\$11,882.00
Single Water Service w/ meter box	10	Each	\$520.00	\$5,200.00
Double Water Service w/ meter box	29	Each	\$580.00	\$16,820.00
1" Poly tubing	1,075	LF	\$7.50	\$8,062.50
Casing	510	LF	\$5.50	\$2,805.00
Sample Points	4	Each	\$510.00	\$2,040.00
Sub-Total Water Distribution				\$128,669.50

**Sub Total Phase 2****\$394,360.00**



**Survey**

Description

QTY

U/M

Unit Cost

Extension

**Survey**

As - Builts	1	LS	\$15,000.00	\$15,000.00
Setting & Replacing all P.R.M's	1	LS	\$520.00	\$520.00
Setting all Lot Corners	1	LS	\$13,375.00	\$13,375.00
Setting all P.C.P's	1	LS	\$855.00	\$855.00

**SubTotal**

\$29,750.00

**Grand Total Phase 1**

\$2,376,044.44

**Grand Total Phase 2**

\$1,199,615.96

**Survey Costs**

\$29,750.00

**Grand Total All Phases**

\$3,605,410.40

**From:** Rick Crary II <RCII@crarybuchanan.com>  
**Sent:** Friday, August 19, 2022 9:59 AM  
**To:** townclerk@townofoceanbreeze.org  
**Cc:** Terrance O'Neil; W. Scott Turnbull; Heidi G. Barr  
**Subject:** Re: Bond

Pam & Terry:

As you know, the issuer of the bond executed and delivered a Verification Certificate for Indefinite Term Surety Bond, which is dated 3/25/22. The certificate stated that the bond will continue until cancellation or termination by operation of law.

It is my understanding that the developer has not yet taken the required final steps to either reduce the bond, nor set in place the time period for hold-back and ultimate cancelation of the bond by the parties. Per my memo of 3/31/22, while it would be my preference for the Town and the developer to complete the inspections and execute an amendment confirming waiver periods and revised deadlines, in my opinion, the developer's seemingly slow pace on close-out does not jeopardize the bond. This is especially so, because the issuer has represented the bond to the Town as having an "indefinite term." In other words, the issuer has not set a deadline.

The original date set by the parties for completion of improvements was March 13, 2020; however, it appears the parties intended to extend that deadline, and I see nothing in the contract prohibiting them from doing so. However, it should be noted that if that date were ever held to have triggered a breach, a 5-year statute of limitation would have begun at that time. That would mean that the bond would remain in effect until March 12th or 13th of 2025, which is still a long ways away. However, if no breach has yet been triggered, as I suspect, the indefinite term would appear to run much longer.

In any event, the apparently "slow pace" in bringing this matter to a close does not appear to pose an immediate problem. It is my understanding that the Town is not presently aware of any substantial problems with the developer's improvements. Still, I would think the Town Engineer should continue to press to obtain timely cooperation with formalities related to the close-out and reduction of bond.

Best regards,  
Rick

On Aug 12, 2022, at 12:53 PM, [townclerk@townofoceanbreeze.org](mailto:townclerk@townofoceanbreeze.org) wrote:

Hi Rick:

I spoke with Terry and out of an abundance of caution, would you please review the Seawalk bond file to make sure that it is still firmly in place and not altered in any way due to the developer's seemingly slow pace on the close-out.

Thanks!

---

Pam Orr  
Town Clerk  
<image001.jpg>  
Town of Ocean Breeze

**From:** Rick Crary II <RCII@crarybuchanan.com>  
**Sent:** Wednesday, October 12, 2022 3:30 PM  
**To:** Terry O'Neil  
**Cc:** Town Clerk; Elsa M. Domingo  
**Subject:** Procedure for release of security (OBP West)

Terry:

Per your request, I am providing an outline of steps needed to be taken in order for the Town to be in a position to release the Performance Surety Bond provided by Forestar through the Westchester Fire Insurance Company. Those steps are spelled out in the Contract for Construction of Required Improvements and Infrastructure for Ocean Breeze West Planned Unit Development (PUD), hereinafter referred to as the "Contract", which you, the Town Engineer, and the Mayor should also review.

1. Per Section 1 of the Contract, the Developer must complete all required improvements and infrastructure per the final site plan approved on March 13, 2017. (If there have been any revisions to the final site plan, those would need to be completed, too).

2. Per the said Section 1 of the Contract, you should also have an Exhibit "A" that itemizes required improvements and infrastructure in detail.

3. When complete the Developer's Engineer must furnish an Engineer's Certificate of Construction Completion to the Mayor for acceptance. (Per Section 3 of the Contract)

4. Upon receipt of the certificate from the Developer's engineer referenced above, plus a request to release up to 90% of the security, the Town Engineer must perform a site inspection of the constructed improvements and infrastructure referenced in the site plan and Exhibit "A" to the Contract. The Town Engineer's inspection is supposed to be conducted with the Developer's Engineer. (Section 4.a. of the Contract). The Town Engineer needs to make sure all required work has been completed in a manner that is acceptable to the Town.

5. If the required work has been completed in a manner acceptable to the Town Engineer, the Mayor is then authorized to release up to 90% of the security. The remaining 10% is supposed to be held as warranty security (Section 4.a. of the Contract).

6. If there are punch list items that remain outstanding per the Town Engineer's inspection, then if the Mayor and the Developer's Engineer agree as to the punch list items identified, 100% of the value of those punch list items can be added to the 10% security (Section 4.b. of the Contract).

7. The 10% warranty security is supposed to be held for a period of 15 months from the date of site acceptance by the Mayor. (Section 4.c of the Contract).

8. At the end of the 15-month warranty period, it is up to the Developer's Engineer to request release of the remaining warranty security. Prior to release, the Town Engineer must perform a final inspection on behalf the Mayor to make sure all improvements and infrastructure are free of defects due to faulty field engineering, construction, workmanship, or materials. Proper completion of any punch list items would also be reviewed at that time. (Section 4. c. of the Contract).

Best regards,  
Rick

**townclerk@townofoceanbreeze.org**

---

**From:** Zachary Griffin <ZacharyGriffin@forestar.com>  
**Sent:** Tuesday, October 25, 2022 12:50 PM  
**To:** townclerk@townofoceanbreeze.org; 'Terrance O'Neil'; 'Terry O'Neil'; Scott Montgomery; 'Shaun G. MacKenzie, P.E.'; Kevin Trepanier; Chris Menninger  
**Cc:** Melissa Corbett; KNorthupConsulting; Pedro Rafael Rodriguez; Gary W Brunk; Marleni Vail; Jamie Adam Ross  
**Subject:** Seawalk - Lot 1 Grading Plan to Reclaim Unusable Portions of the Lot  
**Attachments:** Seawalk Lot 1 SS 10-25-22.pdf  
**Importance:** High

Pam, Terry, Scott and Mackenzie Engineering Team,

Please see attached grading plan designed by Melissa and MilCor Engineering using our plan to take the fill from the sand dune encumbering the front yard of Lot 1 at Seawalk and move it to fill in the low portion of the yard in the back of the lot. With your review and approval, this will get the homeowner full use of the west side of her lot, as she has requested.

I would hope this could be done as a simple review by all parties on this email, and with the Town's and the Town's consultants' approvals via email, we could start the work to get this homeowner happy with her new home as soon as possible.

Please confirm or advise if you need anything else to move forward with your review(s). Also, if there is someone else who needs to review that I didn't include, please advise.

Thanks,



**Zachary Griffin**  
**Land Development Director**  
**Southeast Florida**

6123 Lyons Road Suite 103  
Coconut Creek, FL 33073  
o: 954.678.5127  
c: 954.540.6456  
ZacharyGriffin@Forestar.com

**Forestar.com**

**townclerk@townofoceanbreeze.org**

---

**From:** Chris Menninger <Chris@mackenzieengineeringinc.com>  
**Sent:** Wednesday, August 17, 2022 5:17 PM  
**To:** townclerk@townofoceanbreeze.org; 'Zachary Griffin'; Shaun G. MacKenzie, P.E.; Kevin Trepanier  
**Cc:** 'Terrance O'Neil'  
**Subject:** RE: Grading issue

Pam,

We reviewed lots 60-68 and they were generally constructed in accordance with the approved master stormwater design plans. Additionally, we verified the Finished Floor Elevations, drainage flows, swale bottoms/slopes, and lot lines elevations. The final construction surveys show minor variations from the proposed design elevations.

In this area we did not observe any significant grading issues. Please let me know if we can help you further.

If you have any questions or concerns, please do not hesitate to give us a call.

Sincerely,

**Chris Menninger, EI**  
**Project Engineer (E.I.T)**  
**MacKenzie Engineering and Planning, Inc.**  
1172 SW 30<sup>th</sup> Street, Suite 500  
Palm City, FL 34990  
[Chris@mackenzieengineeringinc.com](mailto:Chris@mackenzieengineeringinc.com)  
Office: 772-286-8030  
Cell: 772-631-5499

**From:** townclerk@townofoceanbreeze.org <townclerk@townofoceanbreeze.org>  
**Sent:** Wednesday, August 17, 2022 3:00 PM  
**To:** 'Zachary Griffin' <ZacharyGriffin@forestar.com>; Shaun G. MacKenzie, P.E. <Shaun@mackenzieengineeringinc.com>; Chris Menninger <Chris@mackenzieengineeringinc.com>; Kevin Trepanier <Kevin@mackenzieengineeringinc.com>  
**Cc:** 'Terrance O'Neil' <terrancewoneil@gmail.com>  
**Subject:** FW: Grading issue

Please see the email below from Joanne Sofia regarding the grading of her lot.

Chris, can you confirm that the grading on the lots that Mrs. Sofia referenced below was done according to the plan?

Thank you,

---

Pam Orr  
Town Clerk



Town of Ocean Breeze  
P. O. Box 1025  
Jensen Beach, FL 34957  
772-334-6826 office  
772-334-6823 fax  
townofocceanbreeze.org

**Please make note of our new email address.**

**From:** JoAnne Sofia <[jseawalk@gmail.com](mailto:jseawalk@gmail.com)>  
**Sent:** Tuesday, August 16, 2022 1:38 PM  
**To:** [townclerk@townofocceanbreeze.org](mailto:townclerk@townofocceanbreeze.org)  
**Subject:** Re: Grading issue

Pam,

As per our conversation Aug 16, 2022 ,  
I am writing to let you know that as of today August 16 2020 D H Horton still has not addressed my grading issue that I have in my backyard.

I hear by respectfully request that the engineer of the town of Ocean breeze and or Martin County come and meet with me.

My property lot 65.

As well ,lots 60-68  
All had grading issues.

I don't know if they are individually being addressed or not but I am putting it on record just in case.

Since I am the VP of the Seawalk community.

Sincerely ,

JoAnne Sofia

Sent from my iPhone

On Aug 16, 2022, at 1:21 PM, [townclerk@townofocceanbreeze.org](mailto:townclerk@townofocceanbreeze.org) wrote:

---  
Pam Orr

Town Clerk



Town of Ocean Breeze  
P. O. Box 1025  
Jensen Beach, FL 34957  
772-334-6826 office  
772-334-6823 fax  
townofoceanbreeze.org

**Please make note of our new email address.**

**From:** [townclerk@townofoceanbreeze.org](mailto:townclerk@townofoceanbreeze.org) <[townclerk@townofoceanbreeze.org](mailto:townclerk@townofoceanbreeze.org)>  
**Sent:** Thursday, June 16, 2022 11:24 AM  
**To:** 'josofia08@gmail.com' <[josofia08@gmail.com](mailto:josofia08@gmail.com)>  
**Subject:** Grading issue

Hi Joanne: (please let me know if it is spelled correctly)

I emailed the Town Engineer, Scott Montgomery, to look at the grading of your lot in comparison to the final survey that was done prior to CO.

Talk to you soon.

---

Pam Orr  
Town Clerk



Town of Ocean Breeze  
P. O. Box 1025  
Jensen Beach, FL 34957  
772-334-6826 office  
772-334-6823 fax  
townofoceanbreeze.org

**Please make note of our new email address.**

**townclerk@townofoceanbreeze.org**

---

**From:** JoAnne Sofia <jsseawalk@gmail.com>  
**Sent:** Tuesday, August 16, 2022 1:38 PM  
**To:** townclerk@townofoceanbreeze.org  
**Subject:** Re: Grading issue

Pam,

As per our conversation Aug 16, 2022 ,  
I am writing to let you know that as of today August 16 2020 D H Horton still has not addressed my grading issue that I have in my backyard.

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Since I am the VP of the Seawalk community.

Sincerely ,

JoAnne Sofia

Sent from my iPhone

On Aug 16, 2022, at 1:21 PM, townclerk@townofoceanbreeze.org wrote:

---

Pam Orr  
Town Clerk



Town of Ocean Breeze  
P. O. Box 1025  
Jensen Beach, FL 34957  
772-334-6826 office



772-334-6823 fax  
townofoceanbreeze.org

**Please make note of our new email address.**

**From:** townclerk@townofoceanbreeze.org <townclerk@townofoceanbreeze.org>  
**Sent:** Thursday, June 16, 2022 11:24 AM  
**To:** 'josofia08@gmail.com' <josofia08@gmail.com>  
**Subject:** Grading issue

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Talk to you soon.

---

Pam Orr  
Town Clerk



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Jensen Beach, FL 34957  
772-334-6826 office  
772-334-6823 fax  
townofoceanbreeze.org

**Please make note of our new email address.**

**townclerk@townofoceanbreeze.org**

---

**From:** Anna Smialek <asmialek17@gmail.com>  
**Sent:** Friday, August 5, 2022 12:33 PM  
**To:** townclerk@townofoceanbreeze.org  
**Subject:** Lot 63 Sea Walk: Smialek/Pelz, ac unit placement and grading issue

Hi Pam-

Following up per our conversation earlier about the placement of our air conditioning unit, as well as the grading in our back yard for lot 63 in the Sea Walk Community. Currently, out of all homes in the Sea Walk community, our home and only 1 other home (lot 68 directly behind us) have the air conditioning unit placed on the side of the house, causing access issues to the backyard given how small our yard access is on the side. Not only does the air conditioning unit block almost our entire pathway on the left side of our home, the grading is so steep that we are worried about erosion and the cement block cracking, causing the unit to fall at some point. We had addressed this issue with DR Horton during our final "walk-thru" and their solution was to add sand and sod to stop the erosion, however this has not remedied the issue. We were advised by our pool company (Alexanders) that the AC unit may have been incorrectly placed on the side of the home and that it somehow "slipped through the cracks", and should not have passed inspection while on the side (and should have been placed in the back of the home, like all other lots in the community).

We would like to investigate if the AC unit was placed properly, or if DR Horton needs to move it to the back.

Also, There is a string of 3 homes within this part of the development: ours (63), 64 and 65 who have some pretty steep grading issues that have yet to be corrected by DR Horton.

I appreciate all of your help with this, speaking with you today made me feel a lot better and hopeful that we can get these issues corrected (the proper way) and still be able to get the needed access for the pool company to reach our back yard.

Thank you and have a great weekend!

Anna Smialek

Lot 63 Sea Walk

(814)460-2192

--  
Thank you!

Anna Smialek  
(814)460-2192

**townclerk@townofoceanbreeze.org**

---

**From:** townclerk@townofoceanbreeze.org  
**Sent:** Monday, August 8, 2022 2:37 PM  
**To:** 'Gary W Brunk'  
**Cc:** Terry O'Neil  
**Subject:** RE: CLOSEOUT ISSUE FW: Lot 63 Sea Walk: Smialek/Pelz, ac unit placement and grading issue

Thank you, Gary, we appreciate you keeping us in the loop as the work progresses.

---  
Pam Orr  
Town Clerk



Town of Ocean Breeze  
P. O. Box 1025  
Jensen Beach, FL 34957  
772-334-6826 office  
772-334-6823 fax  
townofoceanbreeze.org

**Please make note of our new email address.**

**From:** Gary W Brunk <gwbrunk@drhorton.com>  
**Sent:** Monday, August 8, 2022 12:19 PM  
**To:** townclerk@townofoceanbreeze.org; Zachary Griffin <ZacharyGriffin@forestar.com>; melissac@milcorgroup.com; 'Scott Montgomery' <scott@ccmaengineers.com>; 'Kevin Trepanier' <Kevin@mackenzieengineeringinc.com>; 'Shaun G. MacKenzie, P.E.' <Shaun@mackenzieengineeringinc.com>; 'Morris Crady' <mcrady@lucidodesign.com>  
**Cc:** 'Terrance O'Neil' <terrancewoneil@gmail.com>; Jamie Adam Ross <JARoss@drhorton.com>  
**Subject:** RE: CLOSEOUT ISSUE FW: Lot 63 Sea Walk: Smialek/Pelz, ac unit placement and grading issue

Good afternoon, I spoke to Ana Smialek today a couple times. We are already addressing a grading concern for her neighbor Wednesday and will asses and address hers the same day. I told her is she is unhappy with anything that happens on Wednesday to give me a call back. I also let her know the City had reached out to me as well so she knows you are addressing her concerns.

Thank You,



Gary W. Brunk  
Operations Manager

D.R. HORTON

O: 724.444.1111 M: 724.444.1111

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**From:** [townclerk@townofoceanbreeze.org](mailto:townclerk@townofoceanbreeze.org) <[townclerk@townofoceanbreeze.org](mailto:townclerk@townofoceanbreeze.org)>

**Sent:** Friday, August 5, 2022 6:03 PM

**To:** Zachary Griffin <[ZacharyGriffin@forestar.com](mailto:ZacharyGriffin@forestar.com)>; [melissac@milcorgroup.com](mailto:melissac@milcorgroup.com); 'Scott Montgomery' <[scott@ccmaengineers.com](mailto:scott@ccmaengineers.com)>; 'Kevin Trepanier' <[Kevin@mackenzieengineeringinc.com](mailto:Kevin@mackenzieengineeringinc.com)>; 'Shaun G. MacKenzie, P.E.' <[Shaun@mackenzieengineeringinc.com](mailto:Shaun@mackenzieengineeringinc.com)>; 'Morris Crady' <[mcrady@lucidodesign.com](mailto:mcrady@lucidodesign.com)>; Gary W Brunk <[gwbbrunk@drhorton.com](mailto:gwbbrunk@drhorton.com)>

**Cc:** 'Terrance O'Neil' <[terracewoneil@gmail.com](mailto:terracewoneil@gmail.com)>

**Subject:** CLOSEOUT ISSUE FW: Lot 63 Sea Walk: Smialek/Pelz, ac unit placement and grading issue

[External]

Please see the email below from Anna Smialek, 2921 NE Breezeway Circle, Lot 63, who has some close-out issues.

Thank you,

Pam Orr  
Town Clerk



Town of Ocean Breeze  
P. O. Box 1025  
Jensen Beach, FL 34957  
772-334-6826 office  
772-334-6823 fax  
[townofoceanbreeze.org](http://townofoceanbreeze.org)

**Please make note of our new email address.**

**From:** Anna Smialek <[asmialek17@gmail.com](mailto:asmialek17@gmail.com)>

**Sent:** Friday, August 5, 2022 12:33 PM

**To:** [townclerk@townofoceanbreeze.org](mailto:townclerk@townofoceanbreeze.org)

**Subject:** Lot 63 Sea Walk: Smialek/Pelz, ac unit placement and grading issue

Hi Pam-

Following up per our conversation earlier about the placement of our air conditioning unit, as well as the grading in our back yard for lot 63 in the Sea Walk Community. Currently, out of all homes in the Sea Walk community, our home and only 1 other home (lot 68 directly behind us) have the air conditioning unit placed on the side of the house, causing access issues to the backyard given how small our yard access is on the side. Not only does the air conditioning unit block almost our entire pathway on the left side of our home, the grading is so steep that we are worried about erosion and the cement block cracking, causing the unit to fall at some point. We had addressed this issue with DR Horton during our final "walk-thru" and their solution was to add sand and sod to stop the erosion, however this has not remedied the issue. We were advised by our pool company (Alexanders) that the AC unit may have been incorrectly placed on the side of the home and that it somehow "slipped through the cracks", and should not have passed inspection while on the side (and should have been placed in the back of the home, like all other lots in the community).

We would like to investigate if the AC unit was placed properly, or if DR Horton needs to move it to the back.

Also, There is a string of 3 homes within this part of the development: ours (63), 64 and 65 who have some pretty steep grading issues that have yet to be corrected by DR Horton.

I appreciate all of your help with this, speaking with you today made me feel a lot better and hopeful that we can get these issues corrected (the proper way) and still be able to get the needed access for the pool company to reach our back yard.

Thank you and have a great weekend!

Anna Smialek

Lot 63 Sea Walk

(814)460-2192

Thank you!

Anna Smialek  
(814)460-2192

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**townclerk@townofoceanbreeze.org**

---

**From:** Gary W Brunk <gwbrunk@drhorton.com>  
**Sent:** Wednesday, August 10, 2022 10:37 AM  
**To:** townclerk@townofoceanbreeze.org  
**Cc:** Terry O'Neil  
**Subject:** RE: CLOSEOUT ISSUE FW: Lot 63 Sea Walk: Smialek/Pelz, ac unit placement and grading issue

Good morning, my customer care manager is on site today and has already meet with Mr. and Mrs. Smialek. There is no grading issue at this home. We are going to add a little soil around the A/C pad and compact it to ease their concerns but we found nothing wrong with the grading at this home today.

Thank You,



**Gary W. Brunk**  
Operations Manager

**D.R. HORTON**  
5123 Lyons Road Coconut Creek, FL 33073  
o: 954 949-3033 m: 904 626-4572

Home for every stage in life. | D.R. Horton · Express · Emerald · Freedom

**From:** townclerk@townofoceanbreeze.org <townclerk@townofoceanbreeze.org>  
**Sent:** Monday, August 8, 2022 2:37 PM  
**To:** Gary W Brunk <gwbrunk@drhorton.com>  
**Cc:** Terry O'Neil <Twoneil@aol.com>  
**Subject:** RE: CLOSEOUT ISSUE FW: Lot 63 Sea Walk: Smialek/Pelz, ac unit placement and grading issue

[External]

Thank you, Gary, we appreciate you keeping us in the loop as the work progresses.

---  
Pam Orr  
Town Clerk



Town of Ocean Breeze  
P. O. Box 1025  
Jensen Beach, FL 34957  
772-334-6826 office  
772-334-6823 fax  
townofoceanbreeze.org

**Please make note of our new email address.**

**From:** Gary W Brunk <[gwbrunk@drhorton.com](mailto:gwbrunk@drhorton.com)>  
**Sent:** Monday, August 8, 2022 12:19 PM  
**To:** [townclerk@townofoceanbreeze.org](mailto:townclerk@townofoceanbreeze.org); Zachary Griffin <[ZacharyGriffin@forestar.com](mailto:ZacharyGriffin@forestar.com)>; [melissac@milcorgroup.com](mailto:melissac@milcorgroup.com); 'Scott Montgomery' <[scott@ccmaengineers.com](mailto:scott@ccmaengineers.com)>; 'Kevin Trepanier' <[Kevin@mackenzieengineeringinc.com](mailto:Kevin@mackenzieengineeringinc.com)>; 'Shaun G. MacKenzie, P.E.' <[Shaun@mackenzieengineeringinc.com](mailto:Shaun@mackenzieengineeringinc.com)>; 'Morris Crady' <[mcrady@lucidodesign.com](mailto:mcrady@lucidodesign.com)>  
**Cc:** 'Terrance O'Neil' <[terrancewoneil@gmail.com](mailto:terrancewoneil@gmail.com)>; Jamie Adam Ross <[JARoss@drhorton.com](mailto:JARoss@drhorton.com)>  
**Subject:** RE: CLOSEOUT ISSUE FW: Lot 63 Sea Walk: Smialek/Pelz, ac unit placement and grading issue

Good afternoon, I spoke to Ana Smialek today a couple times. We are already addressing a grading concern for her neighbor Wednesday and will asses and address hers the same day. I told her is she is unhappy with anything that happens on Wednesday to give me a call back. I also let her know the City had reached out to me as well so she knows you are addressing her concerns.

Thank You,



**Gary W. Brunk**  
Operations Manager

**D.R. HORTON**  
5123 Lyons Road Coconut Creek, FL 33073  
o: 954 949-3033 m: 904 626-4572

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**From:** [townclerk@townofoceanbreeze.org](mailto:townclerk@townofoceanbreeze.org) <[townclerk@townofoceanbreeze.org](mailto:townclerk@townofoceanbreeze.org)>  
**Sent:** Friday, August 5, 2022 6:03 PM

To: Zachary Griffin <[ZacharyGriffin@forestar.com](mailto:ZacharyGriffin@forestar.com)>; [melissac@milcorgroup.com](mailto:melissac@milcorgroup.com); 'Scott Montgomery' <[scott@ccmaengineers.com](mailto:scott@ccmaengineers.com)>; 'Kevin Trepanier' <[Kevin@mackenzieengineeringinc.com](mailto:Kevin@mackenzieengineeringinc.com)>; 'Shaun G. MacKenzie, P.E.' <[Shaun@mackenzieengineeringinc.com](mailto:Shaun@mackenzieengineeringinc.com)>; 'Morris Crady' <[mcrady@lucidodesign.com](mailto:mcrady@lucidodesign.com)>; Gary W Brunk <[gwbrunk@drhorton.com](mailto:gwbrunk@drhorton.com)>  
Cc: 'Terrance O'Neil' <[terracewoneil@gmail.com](mailto:terracewoneil@gmail.com)>  
Subject: CLOSEOUT ISSUE FW: Lot 63 Sea Walk: Smialek/Pelz, ac unit placement and grading issue

[External]

Please see the email below from Anna Smialek, 2921 NE Breezeway Circle, Lot 63, who has some close-out issues.

Thank you,

---

Pam Orr  
Town Clerk



Town of Ocean Breeze  
P. O. Box 1025  
Jensen Beach, FL 34957  
772-334-6826 office  
772-334-6823 fax  
[townofoceانبreeze.org](http://townofoceانبreeze.org)

**Please make note of our new email address.**

From: Anna Smialek <[asmialek17@gmail.com](mailto:asmialek17@gmail.com)>  
Sent: Friday, August 5, 2022 12:33 PM  
To: [townclerk@townofoceانبreeze.org](mailto:townclerk@townofoceانبreeze.org)  
Subject: Lot 63 Sea Walk: Smialek/Pelz, ac unit placement and grading issue

Hi Pam-

Following up per our conversation earlier about the placement of our air conditioning unit, as well as the grading in our back yard for lot 63 in the Sea Walk Community. Currently, out of all homes in the Sea Walk community, our home and only 1 other home (lot 68 directly behind us) have the air conditioning unit placed on the side of the house, causing access issues to the backyard given how small our yard access is on the side. Not only does the air conditioning unit block almost our entire pathway on the left side of our home, the grading is so steep that we are worried about erosion and the cement block cracking, causing the unit to fall at some point. We had addressed this issue with DR Horton during our final "walk-thru" and their solution was to add sand and sod to stop the erosion, however this has not remedied the issue. We were advised by our pool company (Alexanders) that the AC unit may have been incorrectly placed on the side of the home and that it somehow "slipped through the cracks", and should not have passed inspection while on the side (and should have been placed in the back of the home, like all other lots in the community).

We would like to investigate if the AC unit was placed properly, or if DR Horton needs to move it to the back.



Also, There is a string of 3 homes within this part of the development: ours (63), 64 and 65 who have some pretty steep grading issues that have yet to be corrected by DR Horton.

I appreciate all of your help with this, speaking with you today made me feel a lot better and hopeful that we can get these issues corrected (the proper way) and still be able to get the needed access for the pool company to reach our back yard.

Thank you and have a great weekend!

Anna Smialek

Lot 63 Sea Walk

(814)460-2192

--

Thank you!

Anna Smialek  
(814)460-2192

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**townclerk@townofoceanbreeze.org**

---

**From:** Susan Skala <susanannskala@gmail.com>  
**Sent:** Monday, June 20, 2022 5:44 PM  
**To:** townclerk@townofoceanbreeze.org  
**Subject:** Fwd: 2911 NE Breezeway Circle Lot#64

These boots are just some of the issues .. you have to come out to see the dramatic change under the grass... the grass is hiding a lot of my concerns as well.

This is not! Acceptable and not what I purchased at closing.

----- Forwarded message -----

**From:** Susan Skala <susanannskala@gmail.com>  
**Date:** Mon, Jun 20, 2022 at 5:37 PM  
**Subject:** 2911 NE Breezeway Circle Lot#64  
**To:** <townclerk@townofoceanbreeze.org>

Pam,

Per our conversation about grading issue concerns, I am forwarding this email to inform you that my grading changed dramatically from after my closing date on October 28,2021.

When I returned in February, the north side of my home has a severe drop off and grading issues. It drops straight down about a foot away from foundation and is not acceptable.

Please have someone come out to look at it. I can't believe that this is done correctly.

I have reached out to D R Horton and they say it will be fixed, but I still can't believe that an engineer approved this change after my closing date and without my knowledge or approval.

I was informed by Martin county that Larry Masing was the person who handles this.

Please let me know what date and time you are coming out so I hopefully can be present.

I am concerned with foundation issues in future and liability issues because of the dramatic change of grading.

Not to mention the appearance and lack of purposeful land use.

Sincerely concerned,

Susan Skala

**townclerk@townofoceanbreeze.org**

---

**From:** joanne sofia <josofia08@gmail.com>  
**Sent:** Thursday, June 16, 2022 11:40 AM  
**To:** townclerk@townofoceanbreeze.org  
**Subject:** Re: Grading issue

I closed on lot 65 in the community of Sea walk end of 9/22 . From that Point I have tried to contact D H Horton to address the grading issue on my lot.

I was told by many of the project managers that were in charge of the Sea walk project that there was an issue with grading. They specifically told me that the engineers For Horton never came out to the site to see exactly how the land is. DHHorton refused to address it and most of then resigned because of it.

Lots 60 -68 the grading is really terrible and we need something to be done ASAP.

I have contacted Horton numerous times spoke to Kirk, Marlene ,Joe ,Brett , Randy and others  
And still nothing had been done.  
Please help us in this matter.

Sincerely

JoAnne Sofia

Sent from my iPhone

On Jun 16, 2022, at 11:26 AM, joanne sofia <josofia08@gmail.com> wrote:

Yes it is spelled correctly  
JoAnne Sofia  
And thanks will be forwarding  
Email in reference to Grading issues of Lot 65 at Seabreeze

Sent from my iPhone

On Jun 16, 2022, at 11:23 AM, townclerk@townofoceanbreeze.org wrote:

Hi Joanne: (please let me know if it is spelled correctly)  
I emailed the Town Engineer, Scott Montgomery, to look at the grading of your lot in comparison to the final survey that was done prior to CO.

Talk to you soon.

---

Pam Orr  
Town Clerk

**townclerk@townofoceanbreeze.org**

---

**From:** Scott Montgomery <scott@ccmaengineers.com>  
**Sent:** Wednesday, April 20, 2022 5:17 PM  
**To:** townclerk@townofoceanbreeze.org; 'Terrance O'Neil'  
**Subject:** RE: Question from a resident who adjoins the Preserve  
**Attachments:** PGD Plan with Lot 1.pdf

Terry,

For your reference - take a look at the attached pages. There are no notes or labels to call attention to the special grading for this lot nor grading cross-sections, but the placement of proposed elevations and drainage arrows appear to be consistent with the asbuilt condition.

Regards,

Scott T. Montgomery, P.E.  
**C. Calvert Montgomery & Associates, Inc.**  
P.O. Box 92  
Stuart, FL 34995  
(772) 287-3636

**From:** townclerk@townofoceanbreeze.org <townclerk@townofoceanbreeze.org>  
**Sent:** Thursday, April 14, 2022 11:45 AM  
**To:** Scott Montgomery <scott@ccmaengineers.com>  
**Subject:** FW: Question from a resident who adjoins the Preserve

Hi Scott:

Please see the attached response from MacKenzie Engineering. I will attach the permit which includes the survey of the lot. Then would you please give Terry a call to further discuss the issue?

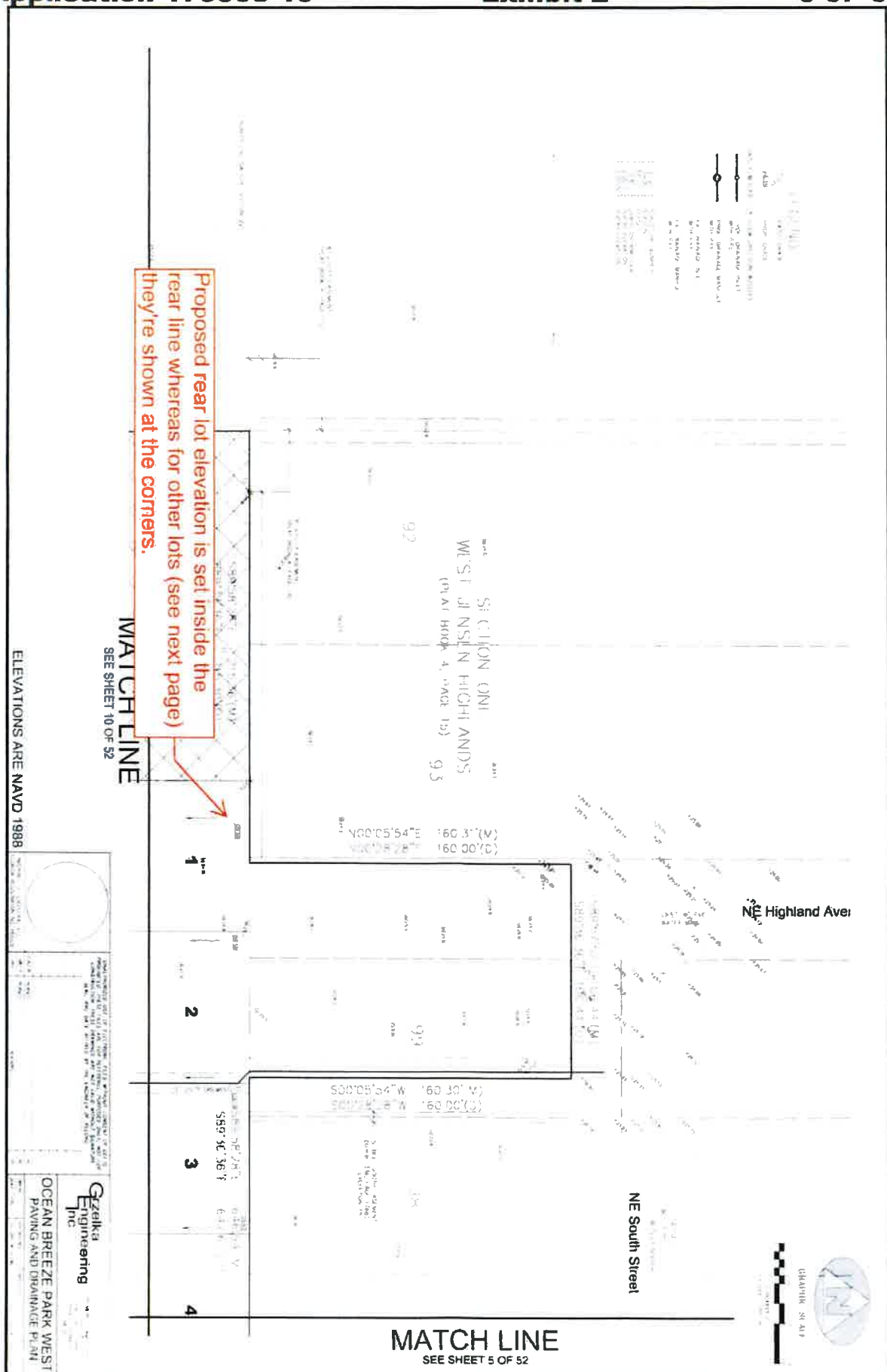
Talk to you soon.

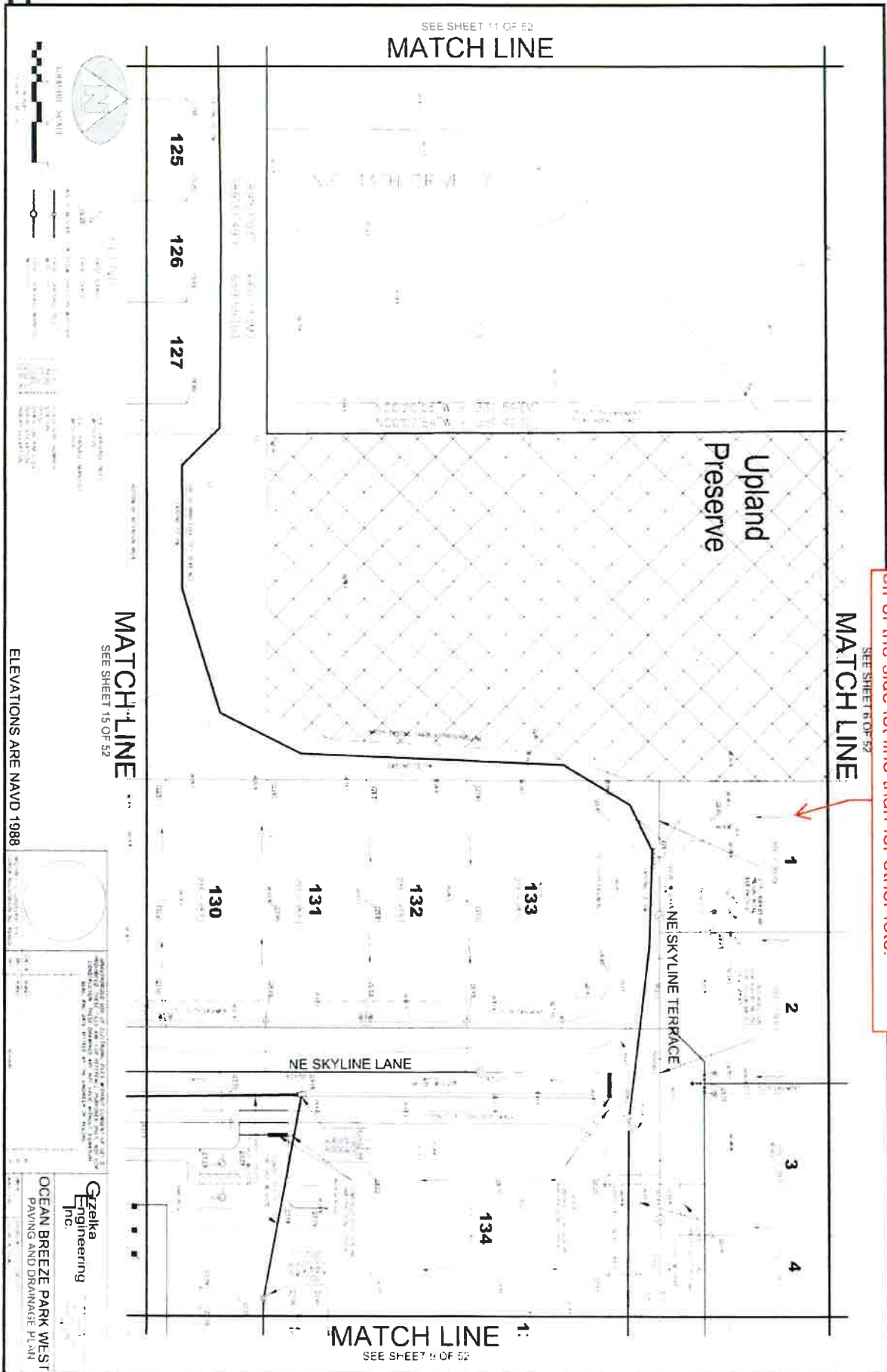
---

Pam Orr  
Town Clerk

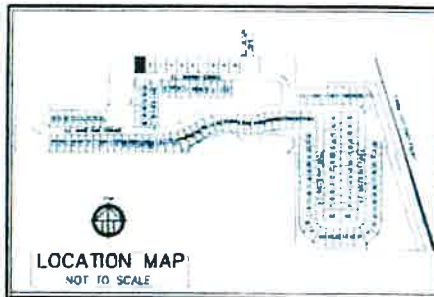


Town of Ocean Breeze  
P. O. Box 1025  
Jensen Beach, FL 34957  
772-334-6826 office  
772-334-6823 fax  
townofoceanbreeze.org

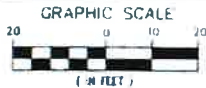




See location of drainage arrow which was to indicate the proposed drainage pattern, but also the general location of the drainage conveyance (swale in this case). Much further off of the side lot line than for other lots.



LOCATION MAP  
NOT TO SCALE



**NOTES:**

1. THIS SURVEY OR REPRODUCTIONS THEREOF ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL SEAL, OR THE AUTHENTICATED ELECTRONIC SIGNATURE AND SEAL, OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER.
2. THE LANDS, AS SHOWN HEREON, HAVE NOT ABSTRACTED FOR RIGHT-OF-WAY, EASEMENTS, OWNERSHIP OR OTHER INSTRUMENT OF RECORD.
3. THE ELEVATIONS, AS SHOWN HEREON, ARE RELATIVE TO THE NORTH AMERICAN VERTICAL DATUM OF 1988.
4. BEARINGS SHOWN HEREON REFER TO RECORD PLAT AND ASSUMES THE EAST LINE OF LOT 1 AS S00°04'22"W.
5. THE DESCRIPTION, AS SHOWN HEREON, IS IN ACCORD WITH THE INSTRUMENT OF RECORD.
6. ANY UNDERGROUND FOUNDATIONS WERE NOT LOCATED.
7. ADDITIONS OR DELETIONS TO SURVEY MAPS BY OTHER THAN THE SIGNING PARTY, OR PARTIES, IS PROHIBITED, WITHOUT WRITTEN CONSENT OF SAID SIGNING PARTY, OR PARTIES.
8. FLOOD ZONE: "X"; FROM MAP NO. 12083C 0151G, COMMUNITY NO. 120183, DATED: MARCH 16, 2015.
9. BENCHMARK: NATIONAL GEODETIC SURVEY MONUMENT "P-317", ELEVATION = 42.74'.
10. PROPERTY ADDRESS: 1519 N.E. SKYHIGH TERRACE.
11. Lot: N022°14'28.03" Long: N080°15'53.75"

**DESCRIPTION:**

LOT 1, "PLAT OF OCEAN BREEZE WEST, A P.U.D.", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 18, PAGES 1 THROUGH 5, OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

SAID LANDS SITUATE IN THE TOWN OF OCEAN BREEZE, MARTIN COUNTY, FLORIDA, CONTAINING 0.250 SQUARE FEET OR 0.1893 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

**CERTIFICATE:**

I HEREBY CERTIFY THAT THE ATTACHED BOUNDARY SURVEY OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AS SURVEYED UNDER MY DIRECTION, ON MAY 7, 2021. I FURTHER CERTIFY THAT THIS BOUNDARY SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH IN CHAPTER 54-12, ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, PURSUANT TO FLORIDA STATUTES 472.027.

DAVID P. LINDLEY, PLS.  
REG. LAND SURVEYOR - 60005  
STATE OF FLORIDA - LB 13591

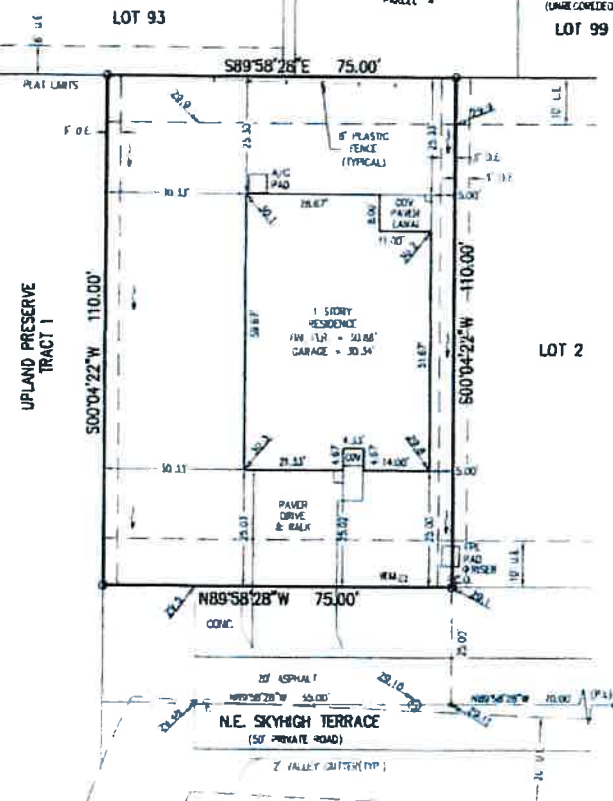
**CAULFIELD & WHEELER, INC.**  
1001 E. 10TH AVE. SUITE 100  
FORT LAUDERDALE, FL 33304  
PHONE: 352.455.1111 FAX: 352.455.1112

PLAT OF OCEAN BREEZE WEST, A P.U.D. (SEAWALK)  
LOT 1 - BOUNDARY SURVEY

SECTION ONE  
WEST JENSEN HIGHLANDS  
(PLAT BOOK 1, PAGE 15)

LESS & EXCEPT  
PARCEL "A"

PLAT 4 OF  
JENSEN  
HIGHLANDS  
(UNRECORDED)  
LOT 99

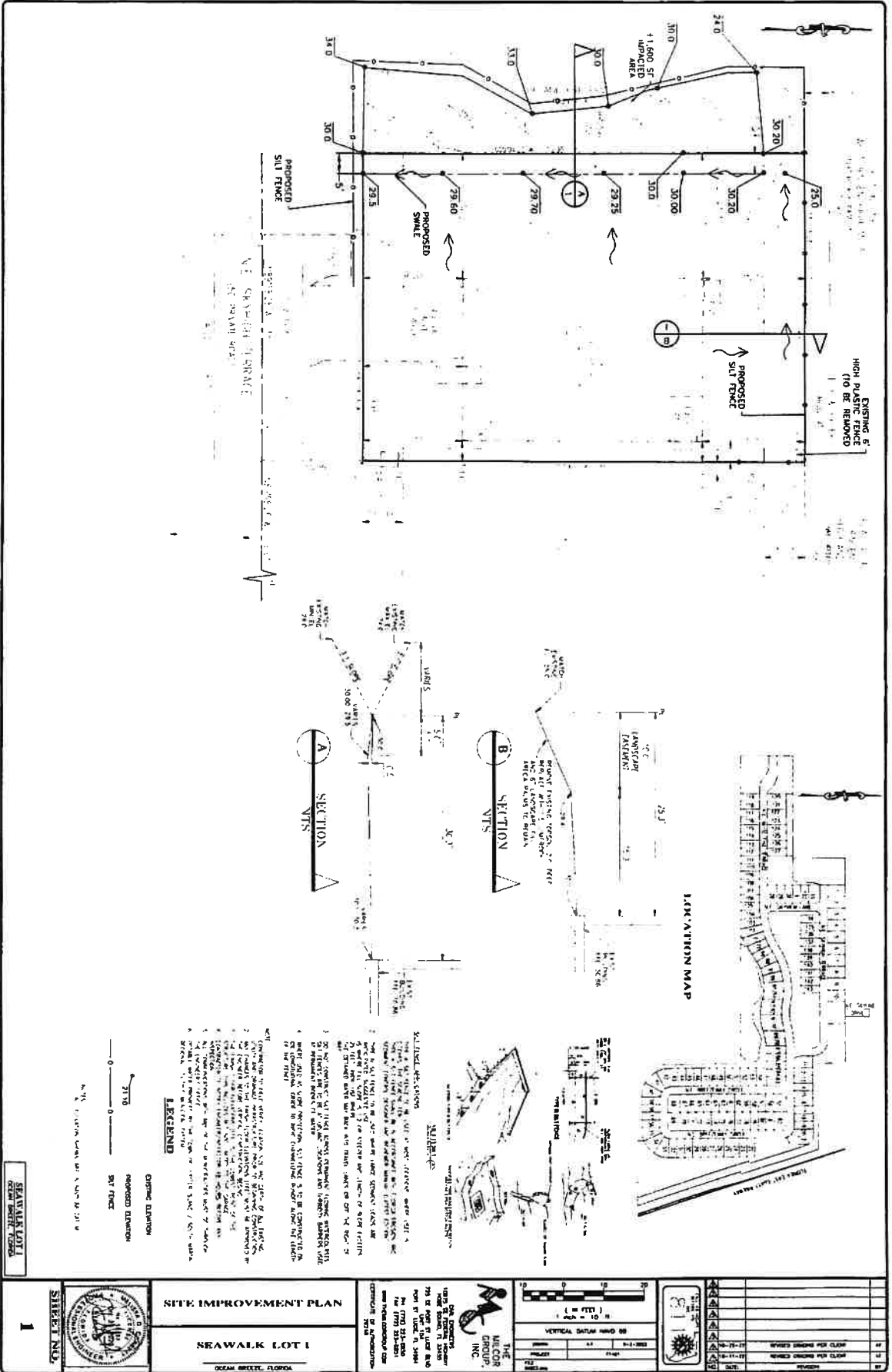


SHEET 1 OF 1

FINAL SURVEY	5/2/2022	CJH
FORMBOARD SURVEY	4/28/2022	CJH
PERMIT SKETCH	5/7/2021	MHL
REVISIONS	DATE	BY
FILE NAME	8144_XL311.dwg	

DATE	5/7/2021
DRAWN BY	KRI
CHECKED BY	N.A.
SCALE	1" = 20'
JOB NO.	8144







**townclerk@townofoceanbreeze.org**

---

**From:** Steve Nicolosi <steve.buildingofficial@gmail.com>  
**Sent:** Thursday, November 3, 2022 3:19 PM  
**To:** permits@townofoceanbreeze.org  
**Subject:** Vehicular Gates

Per the Florida Building Code all vehicular gates shall comply with section 3110 and meet ASTM F2200 AND UL 325 for the opener

Steve Nicolosi

**townclerk@townofoceanbreeze.org**

---

**From:** steve.buildingofficial@gmail.com  
**Sent:** Sunday, October 30, 2022 6:38 PM  
**To:** permits@townofoceanbreeze.org; 'Terrance O'Neil'  
**Subject:** Gate opener  
**Attachments:** Seawalk (2).pdf

Pam,

Attached is a letter from an electrician stating he verified the gate opener was causing shocks from static electricity. This should cover the Town.

I did investigate the opener and do believe the shocks are from static electricity. I did some research, and it does appear to happen. The keypad probably should be replaced as some of the keys stick down, this has nothing to do with the static charge which is from the person or vehicle not the keypad. Judging from the email it sounds like the HOA isn't too happy with the gate.

*Steve Nicolosi*

*Building Official*

*Town of Ocean Breeze*

*P. O. Box 1025*

*Jensen Beach, FL 34958*

*772-334-6826 office*

---

## *AC Quality Electric*

---



Date: 10/28/22


From: AC Quality Electric

To: Town of Ocean Breeze

AC Quality Electric performed an electrical evaluation of the call box system at the Community of Seawalk and found that there were no electrical issues regarding the wiring of the system. We tested the system and it shows that it is static electricity causing the shocks.

Electrical Qualifier

Name: Gary R Evans

Signature: 

License Number: EC13004128

**From:** Nicholas Meyer <seawalkhoa772@gmail.com>  
**Sent:** Thursday, October 27, 2022 10:12 AM  
**To:** Dana Ramirez  
**Cc:** Zachary Griffin; permits@townofoceanbreeze.org; Terrance O'Neil; K. L. Northup; Gary W Brunk; steve.buildingofficial@gmail.com; Nick Meyer; Deborah Ross; Jamie Adam Ross; Marleni Vail  
**Subject:** Re: Close-out item

The HOA is fully aware of the gate issue(s) and has tried to resolve it in the past with Dr. Horton and as an HOA. As you can tell, it will not go away, as residents are complaining outside the HOA. It's just a matter of time before additional escalations do occur on this matter.

Here's the running list of gate issues we have encountered here at Seawalk in full transparency/history.

1. Front-Gate Keypad discharges a static electric shock if you use the keypad from a car. The whole device is metal. This static discharge is likely due to poor equipment selection. There's not necessarily a fix to the existing unit. A grounding rod was installed recently with no help. We will spend thousands trying different things but it probably won't fix the issue. In addition, we are required to add a \$2500+ click-to-call unit to allow police and fire to access the property in two years. I receive calls from the MCSO frequently for access, as they forget the code, even though they have it on file. The buttons are now sticking also on the device itself. In my opinion, we were given the wrong system for a gated community. The fix for this will be to install a \$10k+ system to provide security and features required for a gated community and to stop the static discharge using a touch screen that isn't metal and won't discharge if you touch the screen, in addition to adding the click to call system so EMS and Fire can enter the property quickly.
2. Pool Gate Access System - The pool gate system is another issue I emailed recently about. It has recently come to our attention that the system installed is an absolute "dumpster fire." It's installed so that the green exit button on the wall inside unlocks the bathroom doors. So we had vandalism occur because kids figured out that no key/FOB was needed to enter the bathrooms. In addition, the system was miswired as the front keypad unlocks the bathroom doors. The system doesn't allow us to manage codes easily, and the original codes are still in the system. Removing codes requires wiping the whole system and reprogramming each time, which is manually done and costs money to have completed. There's no way to lock the doors or close the pool at any time. It's always open if you have a FOB or code. Similar thing as the main gate; really poor choice, but this one is just not installed correctly. As part of the list on the closeout, there was a code violation that was supposed to be addressed, I don't know how it was repaired or updated, but it was not correctly done. The answer is not to fix the system in place, as it's not an effective system. This will require a \$4k + reinstall of a system that works.
3. Keyed Pedestrian Entryways - The fences/gates were so cheaply installed that you could lift the fence with your hand to open the gates. The HOA will spend \$10,500 to upgrade the entryways, which were 100% ineffective. We had to strengthen them and add auto closers and a manual keypad for entry/exit. We have upgraded 2/3 of the entryways. The last one is being done very soon, at \$4k.
4. Entry and West Gate - The installation and design of the roadways are purely ineffective. We have people trying to get under the fences. There is no way to stop a Child from trying this, as there's enough room to slip under the gates. A kid forgets the code on the way to the bus stop, a car pulls up, and the gate starts to move, you get the picture. There's no solution in place, as the way the elevations are, you can't weld something additional underneath it. We have had children go under the fence multiple times. I pray no one gets hurt. The fix for this is not small, as we would need to re-install the fences, curbs, and systems at a level closer to the street. This design has introduced a potential hazard. We will add a sign but what does a sign really do?

So all in, the HOA is into over \$25k+ in replacing inadequate gates/equipment, and in addition, we are stuck with gates with a safety hazard that we need to determine something to alert or warn of a potential crushing hazard.

It would be great if we could have Dr. Horton replace the front gate keypad system with the HOA-selected keypad system, and the pool gate system should be replaced. These really should be taken care of as part of the closeout list. That's probably around \$15k-20k to resolve these two larger issues. The safety hazard at the entrance and exit is a different conversation. I recommend we schedule a zoom meeting or meet up to discuss the resolution and close these issues with any remaining close-out concerns.

Nick Meyer - Board President

On Wed, Oct 26, 2022 at 6:30 PM Dana Ramirez <[danar@property-keepers.com](mailto:danar@property-keepers.com)> wrote:

Hi Zachary,

Yes we received quite a few complaints and I myself have experienced the static shock at the gate. See attached email exchange between Dr Horton and Board president Nick Meyer. I have also added him to this email.

Thank you,

Dana Ramirez, LCAM

Property Keepers Management, LLC

6555 Powerline Road , Suite 105

Fort Lauderdale, FL 33309

<http://www.Property-Keepers.com>

[danar@property-keepers.com](mailto:danar@property-keepers.com)

Phone: 954-586-5111

Fax: 954-586-5113

Offices in Fort Lauderdale, Kendall and Port St. Lucie



"Bringing back honesty and integrity to the property management business one property at a time "

**From:** Zachary Griffin <[ZacharyGriffin@forestar.com](mailto:ZacharyGriffin@forestar.com)>

**Sent:** Wednesday, October 26, 2022 6:16 PM

**To:** [permits@townofcoceanbreeze.org](mailto:permits@townofcoceanbreeze.org); Dana Ramirez <[danar@property-keepers.com](mailto:danar@property-keepers.com)>

**Cc:** 'Terrance O'Neil' <[terracewoneil@gmail.com](mailto:terracewoneil@gmail.com)>; 'K. L. Northup' <[knorthupconsulting@gmail.com](mailto:knorthupconsulting@gmail.com)>; Gary W Brunk <[gwbrunk@drhorton.com](mailto:gwbrunk@drhorton.com)>; [steve.buildingofficial@gmail.com](mailto:steve.buildingofficial@gmail.com); 'Nick Meyer' <[njm113@gmail.com](mailto:njm113@gmail.com)>; 'Deborah Ross' <[dlr@reblawpa.com](mailto:dlr@reblawpa.com)>; Jamie Adam Ross <[JARoss@drhorton.com](mailto:JARoss@drhorton.com)>; Marleni Vail <[MGVail@drhorton.com](mailto:MGVail@drhorton.com)>

**Subject:** RE: Close-out item

Thanks Pam,

We'll investigate. Not sure why homeowners are not reaching out to the HOA and/or property management. Also, interesting that this is the first this complaint has come up as the gates have been functional for quite a while.

Dana, Marleni, or Jamie,

Have you received any complaints of the gate code box/keypad shocking anyone in the past or recently?

Thanks,



**Zachary Griffin**

**Land Development Director**

**Southeast Florida**

6123 Lyons Road Suite 103

Coconut Creek, FL 33073

[ZacharyGriffin@Forestar.com](mailto:ZacharyGriffin@Forestar.com)

Forestar.com

**From:** [permits@townofoceanbreeze.org](mailto:permits@townofoceanbreeze.org) <[permits@townofoceanbreeze.org](mailto:permits@townofoceanbreeze.org)>

**Sent:** Wednesday, October 26, 2022 5:57 PM

**To:** Zachary Griffin <[ZacharyGriffin@forestar.com](mailto:ZacharyGriffin@forestar.com)>

**Cc:** 'Terrance O'Neil' <[terracewoneil@gmail.com](mailto:terracewoneil@gmail.com)>; 'K. L. Northup' <[knorthupconsulting@gmail.com](mailto:knorthupconsulting@gmail.com)>; Gary W Brunk <[gwbrunk@drhorton.com](mailto:gwbrunk@drhorton.com)>; [steve.buildingofficial@gmail.com](mailto:steve.buildingofficial@gmail.com); 'Nick Meyer' <[njm113@gmail.com](mailto:njm113@gmail.com)>; 'Deborah Ross' <[dlr@reblawpa.com](mailto:dlr@reblawpa.com)>

**Subject:** Close-out item

[External]

Dear Zach:

We have received a number of complaints that the key pad at one, or both, of the entrances of Seawalk are causing a shock to those inputting the code. Please make sure a qualified electrician reviews and remedies the situation as soon as possible. Please provide the Town with confirmation from the electrician that the situation has been corrected, so that we may remove it from our close-out list.

Thank you!

Pam Orr

Permit Processor



Town of Ocean Breeze

P. O. Box 1025

Jensen Beach, FL 34957

772-334-6826 office

772-807-2557 cell

[townofoceanbreeze.org](http://townofoceanbreeze.org)

Please make note of my new email address: [Permits@townofoceanbreeze.org](mailto:Permits@townofoceanbreeze.org)

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



**[townclerk@townofoceanbreeze.org](mailto:townclerk@townofoceanbreeze.org)**

---

**From:** Gary W Brunk <gwbrunk@drhorton.com>  
**Sent:** Thursday, October 27, 2022 8:21 AM  
**To:** steve.buildingofficial@gmail.com; 'Dana Ramirez'; Zachary Griffin;  
permits@townofoceanbreeze.org; 'Nick Meyer'  
**Cc:** 'Terrance O'Neil'; 'K. L. Northup'; 'Nick Meyer'; 'Deborah Ross'; Jamie Adam Ross;  
Marleni Vail  
**Subject:** RE: Close-out item

Good morning Steve. I will work on this. I believe the power going to the call boxes is low voltage but we will confirm again and provide the letter requested.

Thank You,



**Gary W. Brunk**  
**Operations Manager**

**Southeast Florida**  
6123 Lyons Road, Coconut Creek, Florida 33073  
o: 954.949.3033 M: 904.626.4572

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**From:** steve.buildingofficial@gmail.com <steve.buildingofficial@gmail.com>  
**Sent:** Thursday, October 27, 2022 6:23 AM  
**To:** Gary W Brunk <gwbrunk@drhorton.com>; 'Dana Ramirez' <danar@property-keepers.com>; Zachary Griffin <ZacharyGriffin@forestar.com>; permits@townofoceanbreeze.org; 'Nick Meyer' <seawalkhoa772@gmail.com>  
**Cc:** 'Terrance O'Neil' <terrancewoneil@gmail.com>; 'K. L. Northup' <knorthupconsulting@gmail.com>; 'Nick Meyer' <njm113@gmail.com>; 'Deborah Ross' <dlr@reblawpa.com>; Jamie Adam Ross <JARoss@drhorton.com>; Marleni Vail <MGVail@drhorton.com>  
**Subject:** RE: Close-out item

[External]

Gary,

We will need a letter from either an engineer or licensed electrician, on their letterhead, confirming that the shocks are from static electricity.

Thank you for cooperation in this matter,

*Steve Nicolosi*

*Building Official  
Town of Ocean Breeze  
P O Box 1025  
Jensen Beach FL 34958  
772-334-6826 office*

**From:** Gary W Brunk <[gwbrunk@drhorton.com](mailto:gwbrunk@drhorton.com)>  
**Sent:** Wednesday, October 26, 2022 7:51 PM  
**To:** Dana Ramirez <[danar@property-keepers.com](mailto:danar@property-keepers.com)>; Zachary Griffin <[ZacharyGriffin@forestar.com](mailto:ZacharyGriffin@forestar.com)>; [permits@townofoceanbreeze.org](mailto:permits@townofoceanbreeze.org); Nick Meyer <[seawalkhoa772@gmail.com](mailto:seawalkhoa772@gmail.com)>  
**Cc:** 'Terrance O'Neil' <[terracewoneil@gmail.com](mailto:terracewoneil@gmail.com)>; 'K. L. Northup' <[knorthupconsulting@gmail.com](mailto:knorthupconsulting@gmail.com)>; [steve.buildingofficial@gmail.com](mailto:steve.buildingofficial@gmail.com); 'Nick Meyer' <[njm113@gmail.com](mailto:njm113@gmail.com)>; 'Deborah Ross' <[dlr@reblawpa.com](mailto:dlr@reblawpa.com)>; Jamie Adam Ross <[JARoss@drhorton.com](mailto:JARoss@drhorton.com)>; Marleni Vail <[MGVail@drhorton.com](mailto:MGVail@drhorton.com)>  
**Subject:** RE: Close-out item

We had a gate contractor look over the entire system. The shocking is from static electricity and not dangerous. They mentioned this happens from time to time after new pavement is installed.

Thank you,

Gary W. Brunk  
DR Horton Inc.

----- Original message -----

**From:** Dana Ramirez <[danar@property-keepers.com](mailto:danar@property-keepers.com)>  
**Date:** 10/26/22 6:30 PM (GMT-05:00)  
**To:** Zachary Griffin <[ZacharyGriffin@forestar.com](mailto:ZacharyGriffin@forestar.com)>, [permits@townofoceanbreeze.org](mailto:permits@townofoceanbreeze.org), Nick Meyer <[seawalkhoa772@gmail.com](mailto:seawalkhoa772@gmail.com)>  
**Cc:** 'Terrance O'Neil' <[terracewoneil@gmail.com](mailto:terracewoneil@gmail.com)>, "'K. L. Northup'" <[knorthupconsulting@gmail.com](mailto:knorthupconsulting@gmail.com)>, Gary W Brunk <[gwbrunk@drhorton.com](mailto:gwbrunk@drhorton.com)>, [steve.buildingofficial@gmail.com](mailto:steve.buildingofficial@gmail.com), 'Nick Meyer' <[njm113@gmail.com](mailto:njm113@gmail.com)>, 'Deborah Ross' <[dlr@reblawpa.com](mailto:dlr@reblawpa.com)>, Jamie Adam Ross <[JARoss@drhorton.com](mailto:JARoss@drhorton.com)>, Marleni Vail <[MGVail@drhorton.com](mailto:MGVail@drhorton.com)>  
**Subject:** RE: Close-out item

[External]

Hi Zachary,

Yes we received quite a few complaints and I myself have experienced the static shock at the gate. See attached email exchange between Dr Horton and Board president Nick Meyer. I have also added him to this email.

Thank you,

Dana Ramirez, LCAM  
Property Keepers Management, LLC

6555 Powerline Road , Suite 105  
Fort Lauderdale, FL 33309  
<http://www.Property-Keepers.com>  
[danar@property-keepers.com](mailto:danar@property-keepers.com)

Phone: 954-586-5111

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**Cc:** 'Terrance O'Neil' <[terracewoneil@gmail.com](mailto:terracewoneil@gmail.com)>; 'K. L. Northup' <[knorthupconsulting@gmail.com](mailto:knorthupconsulting@gmail.com)>; Gary W Brunk <[gwbrunk@drhorton.com](mailto:gwbrunk@drhorton.com)>; [steve.buildingofficial@gmail.com](mailto:steve.buildingofficial@gmail.com); 'Nick Meyer' <[njm113@gmail.com](mailto:njm113@gmail.com)>; 'Deborah Ross' <[dlr@reblawpa.com](mailto:dlr@reblawpa.com)>; Jamie Adam Ross <[JARoss@drhorton.com](mailto:JARoss@drhorton.com)>; Marleni Vail <[MGVail@drhorton.com](mailto:MGVail@drhorton.com)>

**Subject:** RE: Close-out item

Thanks Pam,

We'll investigate. Not sure why homeowners are not reaching out to the HOA and/or property management. Also, interesting that this is the first this complaint has come up as the gates have been functional for quite a while.

Dana, Marleni, or Jamie,

Have you received any complaints of the gate code box/keypad shocking anyone in the past or recently?

Thanks,



**Zachary Griffin**  
Land Development Director  
Southeast Florida

6123 Lyons Road Suite 103  
Coconut Creek, FL 33073  
o: 954 578 5117  
c: 954 540 5456  
[ZacharyGriffin@Forestar.com](mailto:ZacharyGriffin@Forestar.com)

[Forestar.com](http://Forestar.com)

**From:** [permits@townofoceanbreeze.org](mailto:permits@townofoceanbreeze.org) <[permits@townofoceanbreeze.org](mailto:permits@townofoceanbreeze.org)>

**Sent:** Wednesday, October 26, 2022 5:57 PM

**To:** Zachary Griffin <[ZacharyGriffin@forestar.com](mailto:ZacharyGriffin@forestar.com)>

**Cc:** 'Terrance O'Neil' <[terracewoneil@gmail.com](mailto:terracewoneil@gmail.com)>; 'K. L. Northup' <[knorthupconsulting@gmail.com](mailto:knorthupconsulting@gmail.com)>; Gary W Brunk <[gwbrunk@drhorton.com](mailto:gwbrunk@drhorton.com)>; [steve.buildingofficial@gmail.com](mailto:steve.buildingofficial@gmail.com); 'Nick Meyer' <[njm113@gmail.com](mailto:njm113@gmail.com)>; 'Deborah Ross'

<[dln@reblawpa.com](mailto:dln@reblawpa.com)>

Subject: Close-out item

[External]

Dear Zach:

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---

Pam Orr

Permit Processor



Town of Ocean Breeze  
P. O. Box 1025  
Jensen Beach, FL 34957  
772-334-6826 office  
772-807-2557 cell  
[townofocceanbreeze.org](http://townofocceanbreeze.org)

Please make note of my new email address: [Permits@townofocceanbreeze.org](mailto:Permits@townofocceanbreeze.org)

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**permits@townofoceanbreeze.org**

---

**From:** Gary W Brunk <gwbrunk@drhorton.com>  
**Sent:** Thursday, July 28, 2022 3:48 PM  
**To:** Nicholas Meyer  
**Cc:** Jason Harbolic; JoAnne Sofia; Dana Ramirez  
**Subject:** RE: Access Gates Seawalk

Thank you sir. The gate system was installed by Forestar and not DR Horton.

The board was established well before this new code requirement and the gates were installed to code at the time of installation. The fact that Martin County is updating the code now does not put the responsibility of who originally installed the gates to come back and update them to the new code. I believe this is the responsibility of the HOA to handle. Martin County is giving plenty of time to allow this upgrade to happen.

Thank You,



**Gary W. Brunk**  
Operations Manager

**D.R. HORTON**  
5123 Lyons Road Coconut Creek, FL 33073  
o: 954 948-3033 m: 904 526-4572

Home for every stage in life. | D.R. Horton · Express · Emerald · Freedom

**From:** Nicholas Meyer <seawalkhoa772@gmail.com>  
**Sent:** Thursday, July 28, 2022 2:44 PM  
**To:** Gary W Brunk <gwbrunk@drhorton.com>  
**Cc:** Jason Harbolic <seawalkjason@gmail.com>; JoAnne Sofia <jsseawalk@gmail.com>; Dana Ramirez <danar@property-keepers.com>  
**Subject:** Re: Access Gates Seawalk

[External]

Gary,

Here are the docs. Both Fire and Police have asked us to do this.

Nick Meyer

On Wed, Jul 27, 2022 at 6:41 PM Gary W Brunk <[gwbrunk@drhorton.com](mailto:gwbrunk@drhorton.com)> wrote:

Good evening Nick and board. Do you have something from Martin County showing they are requiring you to update the gates?

Also we had someone come inspect the call box and they found nothing wrong with the box. Oddly enough they said Static electricity build up after new pavement is layed down is fairly common. It is there opinion that is what is happening to the box installed.

Thank you,

Gary W. Brunk  
DR Horton Inc.

----- Original message -----

From: Nicholas Meyer <[seawalkhoa772@gmail.com](mailto:seawalkhoa772@gmail.com)>

Date: 7/19/22 12:13 PM (GMT-05:00)

To: Gary W Brunk <[gwbrunk@drhorton.com](mailto:gwbrunk@drhorton.com)>, Jason Harbolic <[seawalkjason@gmail.com](mailto:seawalkjason@gmail.com)>, JoAnne Sofia <[jseawalk@gmail.com](mailto:jseawalk@gmail.com)>, Dana Ramirez <[danar@property-keepers.com](mailto:danar@property-keepers.com)>

Subject: Access Gates Seawalk

[External]

Gary,

There are 2 what I would say are major issues with the front gate and side gate that have been brought to our attention.

1. The gate control box is metal and is shocking people due to static electricity build-up. The gate company said this due to the box and materials used. They would need to change out the box, which is a \$5500 change. Shocking people a bit static is not a good idea at all.
2. The gate is not up to Martin County Code for fire and police access. both gates are not up to code, which was introduced while Dr. Horton was still in control of the property. There's a new "mic key" feature that martin county is requiring on the gates. This is about \$1500 per gate. We are required to make this change by Martin County.

I think we will need Dr. Horton's help in getting this up to code and making it safe before we close out. What are your thoughts? Want to do a call to discuss this? to me, these fall under safety and are two issues that should be dealt with before we close out the bond.

Nick Meyer

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**townclerk@townofoceanbreeze.org**

---

**From:** Dana Ramirez <danar@property-keepers.com>  
**Sent:** Wednesday, October 26, 2022 6:30 PM  
**To:** Zachary Griffin; permits@townofoceanbreeze.org; Nick Meyer  
**Cc:** 'Terrance O'Neil'; 'K. L. Northup'; Gary W Brunk; steve.buildingofficial@gmail.com; 'Nick Meyer'; 'Deborah Ross'; Jamie Adam Ross; Marleni Vail  
**Subject:** RE: Close-out item  
**Attachments:** RE: Access Gates Seawalk (39.2 KB)

Hi Zachary,

Yes we received quite a few complaints and I myself have experienced the static shock at the gate. See attached email exchange between Dr Horton and Board president Nick Meyer. I have also added him to this email.

Thank you,

Dana Ramirez, LCAM  
Property Keepers Management, LLC  
6555 Powerline Road , Suite 105  
Fort Lauderdale, FL 33309  
<http://www.Property-Keepers.com>  
[danar@property-keepers.com](mailto:danar@property-keepers.com)  
Phone: 954-586-5111  
Fax: 954-586-5113  
Offices in Fort Lauderdale, Kendall and Port St. Lucie



*"Bringing back honesty and integrity to the property management business one property at a time."*

**From:** Zachary Griffin <ZacharyGriffin@forestar.com>  
**Sent:** Wednesday, October 26, 2022 6:16 PM  
**To:** permits@townofoceanbreeze.org; Dana Ramirez <danar@property-keepers.com>  
**Cc:** 'Terrance O'Neil' <terrancewoneil@gmail.com>; 'K. L. Northup' <knorthupconsulting@gmail.com>; Gary W Brunk <gwbrunk@drhorton.com>; steve.buildingofficial@gmail.com; 'Nick Meyer' <njm113@gmail.com>; 'Deborah Ross' <dlr@reblawpa.com>; Jamie Adam Ross <JARoss@drhorton.com>; Marleni Vail <MGVail@drhorton.com>  
**Subject:** RE: Close-out item

Thanks Pam,

We'll investigate. Not sure why homeowners are not reaching out to the HOA and/or property management. Also, interesting that this is the first this complaint has come up as the gates have been functional for quite a while.

Dana, Marleni, or Jamie,

Have you received any complaints of the gate code box/keypad shocking anyone in the past or recently?

Thanks,



Zachary Griffin  
Land Development Director  
Southeast Florida

5125 Lyons Road Suite 103  
Coconut Creek, FL 33073  
o: 954-678-5117  
c: 954-340-6456  
[ZacharyGriffin@Forestar.com](mailto:ZacharyGriffin@Forestar.com)

[Forestar.com](http://Forestar.com)

**From:** [permits@townofoceanbreeze.org](mailto:permits@townofoceanbreeze.org) <[permits@townofoceanbreeze.org](mailto:permits@townofoceanbreeze.org)>

**Sent:** Wednesday, October 26, 2022 5:57 PM

**To:** Zachary Griffin <[ZacharyGriffin@forestar.com](mailto:ZacharyGriffin@forestar.com)>

**Cc:** 'Terrance O'Neil' <[terracewoneil@gmail.com](mailto:terracewoneil@gmail.com)>; 'K. L. Northup' <[knorthupconsulting@gmail.com](mailto:knorthupconsulting@gmail.com)>; Gary W Brunk <[gwbrunk@drhorton.com](mailto:gwbrunk@drhorton.com)>; [steve.buildingofficial@gmail.com](mailto:steve.buildingofficial@gmail.com); 'Nick Meyer' <[njm113@gmail.com](mailto:njm113@gmail.com)>; 'Deborah Ross' <[dlr@reblawpa.com](mailto:dlr@reblawpa.com)>

**Subject:** Close-out item

[External]

Dear Zach:

We have received a number of complaints that the key pad at one, or both, of the entrances of Seawalk are causing a shock to those inputting the code. Please make sure a qualified electrician reviews and remedies the situation as soon as possible. Please provide the Town with confirmation from the electrician that the situation has been corrected, so that we may remove it from our close-out list.

Thank you!

---

Pam Orr  
Permit Processor



Town of Ocean Breeze  
P. O. Box 1025  
Jensen Beach, FL 34957  
772-334-6826 office  
772-807-2557 cell  
[townofoceanbreeze.org](http://townofoceanbreeze.org)

Please make note of my new email address: [Permits@townofoceanbreeze.org](mailto:Permits@townofoceanbreeze.org)



**townclerk@townofoceanbreeze.org**

---

**From:** Shaun G. MacKenzie, P.E. <Shaun@mackenzieengineeringinc.com>  
**Sent:** Thursday, February 25, 2021 2:58 PM  
**To:** townclerk@townofoceanbreeze.org  
**Subject:** RE: Seawalk impacts on County residents?

No. I have not been able to get a call back from the County.

**From:** townclerk@townofoceanbreeze.org [mailto:townclerk@townofoceanbreeze.org]  
**Sent:** Thursday, February 18, 2021 12:07 PM  
**To:** Shaun G. MacKenzie, P.E. <Shaun@mackenzieengineeringinc.com>  
**Subject:** FW: Seawalk impacts on County residents?

Hi Shaun:

Any luck in determining what action, if any, the County expects of the Town given where things currently stand? When you have a moment, please let us know.

Thank you!

Pam Orr  
Town Clerk



Town of Ocean Breeze  
P. O. Box 1025  
Jensen Beach, FL 34957  
772-334-6826 office  
772-334-6823 fax  
townofoceanbreeze.org

**Please make note of our new email address.**

**From:** Lisa Wichser <[lwichser@martin.fl.us](mailto:lwichser@martin.fl.us)>  
**Sent:** Wednesday, February 10, 2021 5:51 PM  
**To:** Michael Grzelka <[michael@grzelka.us](mailto:michael@grzelka.us)>  
**Cc:** Terrance O'Neil <[terracewoneil@gmail.com](mailto:terracewoneil@gmail.com)>; townclerk@townofoceanbreeze.org; Kristen L Northup <[KLNorthup@drhorton.com](mailto:KLNorthup@drhorton.com)>; Michelle Cullum <[mcullum@martin.fl.us](mailto:mcullum@martin.fl.us)>; Karl K Albertson <[kkalbertson@drhorton.com](mailto:kkalbertson@drhorton.com)>; FrankCovelli@forestar.com; Shaun G. MacKenzie, P.E. <[shaun@mackenzieengineeringinc.com](mailto:shaun@mackenzieengineeringinc.com)>  
**Subject:** RE: Seawalk impacts on County residents?

Michael,

Please accept my apologies for the delay in my response.

**townclerk@townofoceanbreeze.org**

---

**From:** Shaun G. MacKenzie, P.E. <Shaun@mackenzieengineeringinc.com>  
**Sent:** Monday, February 1, 2021 8:10 AM  
**To:** Michelle Cullum  
**Cc:** Don Donaldson; townclerk@townofoceanbreeze.org; Lisa Wichser  
**Subject:** RE: Seawalk impacts on County residents?  
**Attachments:** OBP-WEST TOPO SHEET 2.pdf

Good morning Michelle & Don,

Does Mike's response resolve the County's concern regarding Lisa's email from November 19, 2020 2:22 PM. Is there an expected action you are from the Town?

Please feel free to call or e-mail.

Best Regards,

**Shaun G. MacKenzie, PE**  
**MacKenzie Engineering & Planning, Inc.**  
**1172 SW 30<sup>TH</sup> Street, Suite 500**  
**Palm City, FL 34990**  
**OFFICE: 772-286-8030**  
**Cel – 772-834-8909**  
[shaun@mackenzieengineeringinc.com](mailto:shaun@mackenzieengineeringinc.com)

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**From:** Michael Grzelka [mailto:michael@grzelka.us]  
**Sent:** Thursday, January 21, 2021 1:04 PM  
**To:** Lisa Wichser <lwichser@martin.fl.us>  
**Cc:** Terrance O'Neil <terracewoneil@gmail.com>; townclerk@townofoceanbreeze.org; Kristen L Northup <KLNorthup@drhorton.com>; Michelle Cullum <mcullum@martin.fl.us>; Karl K Albertson <kkalbertson@drhorton.com>; FrankCovelli@forestar.com; Shaun G. MacKenzie, P.E. <Shaun@mackenzieengineeringinc.com>  
**Subject:** Re: Seawalk impacts on County residents?

Lisa,

Please note that this subdivision (platted and constructed in 1976 without any drainage) has had historic flooding issues long before Seawalk was developed. The flooding issues in this neighborhood have always been present during heavy rains and especially exasperated when Savannah Road would flood adjacent to this subdivision. Some of the residents even went on record during our public hearings stating that they have had flooding issues on their roads in the past. If you look at the attached topo that was done for the Seawalk project you can clearly see that their roads are actually down around the mid 13's while the existing grades on the seawalk property prior to construction are in the mid 15's as are their lot grades so in order for their water to flow over onto the seawalk property as you believe their ROW would have had to have about 2 feet of water

over them prior to any flow ever leaving their property. It is also worth noting that during all of the heavy rains over the past year water barely flowed more than a few yards from the pipes into the dry retention areas on the Seawalk property before percolating into the ground so it is highly unlikely that water ever flowed across the Seawalk property as you have described.

If you have any additional questions please call.

Thanks,

Michael

**Michael J Grzelka PE**

Grzelka Engineering Inc.  
2740 SW Martin Downs Blvd #418  
Palm City, FL 34990  
772-485-0615  
[michael@grzelka.us](mailto:michael@grzelka.us)

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On Wed, Jan 20, 2021 at 11:23 AM Lisa Wichser <[lwichser@martin.fl.us](mailto:lwichser@martin.fl.us)> wrote:

Good morning –

It has been two months since we asked for your assistance with the apparent blockage of stormwater runoff through the recently developed Seawalk property. I understand that the rain has subsided, but it is a matter of time before it intensifies in the spring. Do you have the ability to require the developer or its engineer address this concern?

**Lisa A. Wichser, P.E., CFM**

County Engineer

Public Works Department

Martin County Board of County Commissioners

772-223-7945 (office)

**From:** Lisa Wichser

**Sent:** Thursday, November 19, 2020 2:22 PM

**To:** Terrance O'Neil <[terracewoneil@gmail.com](mailto:terracewoneil@gmail.com)>; [townclerk@townofcoceanbreeze.org](mailto:townclerk@townofcoceanbreeze.org); [michael@grzelka.us](mailto:michael@grzelka.us)

**Cc:** Kristen L Northup <[KLNorthup@drhorton.com](mailto:KLNorthup@drhorton.com)>; Michelle Cullum <[mcullum@martin.fl.us](mailto:mcullum@martin.fl.us)>; James

Gorton <[jgorton@martin.fl.us](mailto:jgorton@martin.fl.us)>

**Subject:** Seawalk impacts on County residents?

Good afternoon,

Please investigate the claims of residents on NE 29<sup>th</sup> Street in Jensen Beach. They are claiming that Seawalk development has caused the road and their yards to flood and has eliminated the functionality of their drainfields. We understand that there has been a significant amount of rainfall in 2020 and that many residents have experienced more standing water in their roads and properties, however, it appears that the historic flow of stormwater runoff may have been impeded by the recent construction in Seawalk.

The predevelopment topography can be seen in the attached map. The 2016 contours are imposed on the 2016 Digital Elevation Model (DEM). In the image, you can see that the stormwater from NW 29<sup>th</sup> Street ran through the Seawalk property (through the purple slough) and most likely infiltrated in the low spot of the dune (the pink hole).

Since then, the Seawalk property has been raised and appears to blocking that pre-development runoff, which has no where to go. This is shown on Paving and Grading Plan sheets 11 and 12 and on Paving and Grading Detail sheet 46 (Section G-G).

Anything you can do to assist will be greatly appreciated. Thank you kindly.

**Lisa A. Wichser, P.E., CFM**

County Engineer

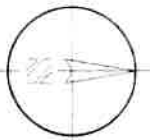
Public Works Department

Martin County Board of County Commissioners

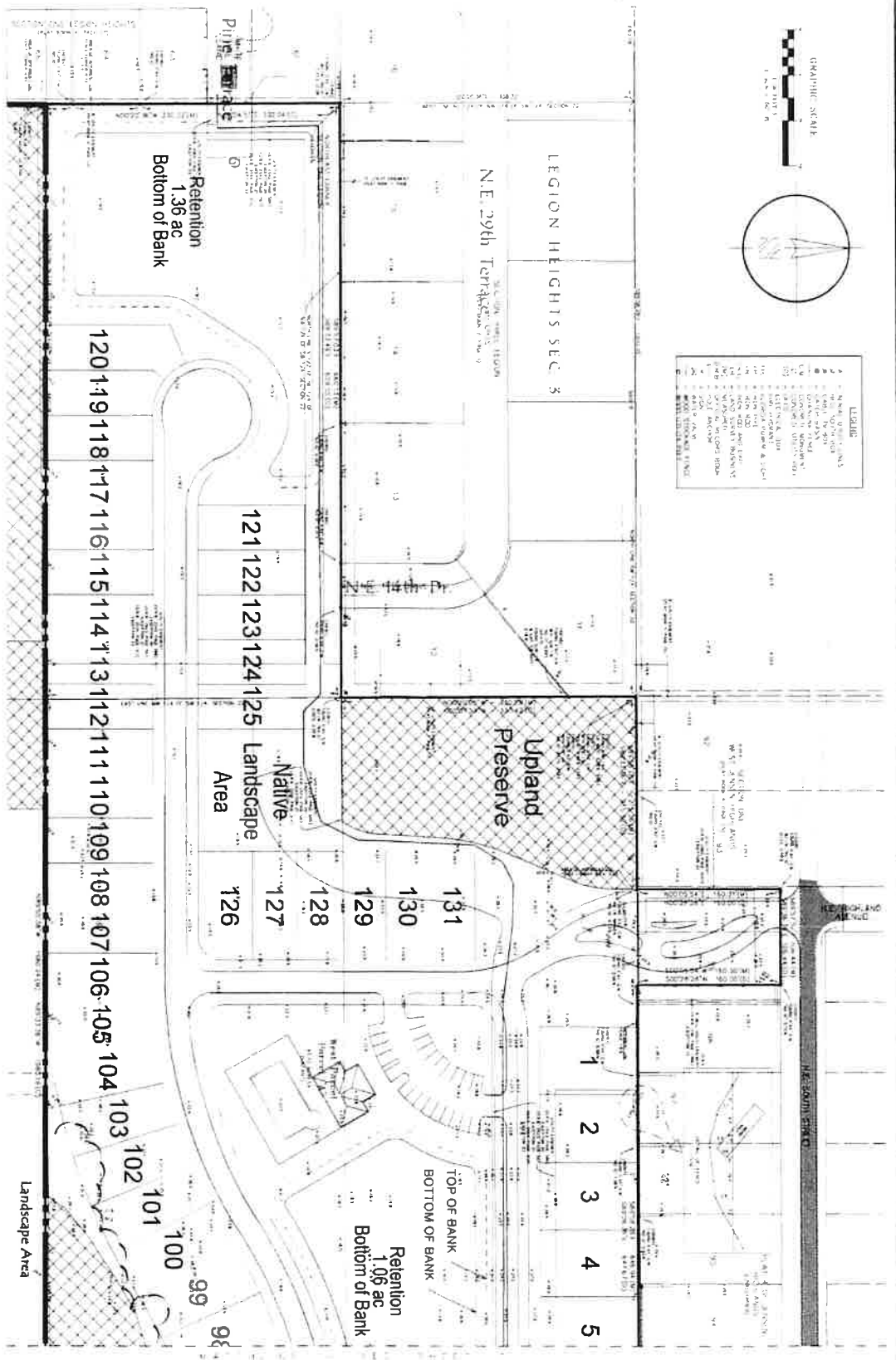
772-223-7945 (office)

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NOTE: ELEVATIONS SHOWN ARE IN NAVD83



**G&S**  
PROFESSIONAL SURVEYORS AND MAPPERS  
CERTIFICATE OF QUALITY NO. 11000  
NOV 2007

**D.F. HORTON**  
MAPPING SPECIALIST  
11-25-07  
1:250' SCALE  
11-25-07

**LEGION HEIGHTS SEC. 3**  
11-25-07  
1:250' SCALE  
11-25-07

**townclerk@townofoceanbreeze.org**

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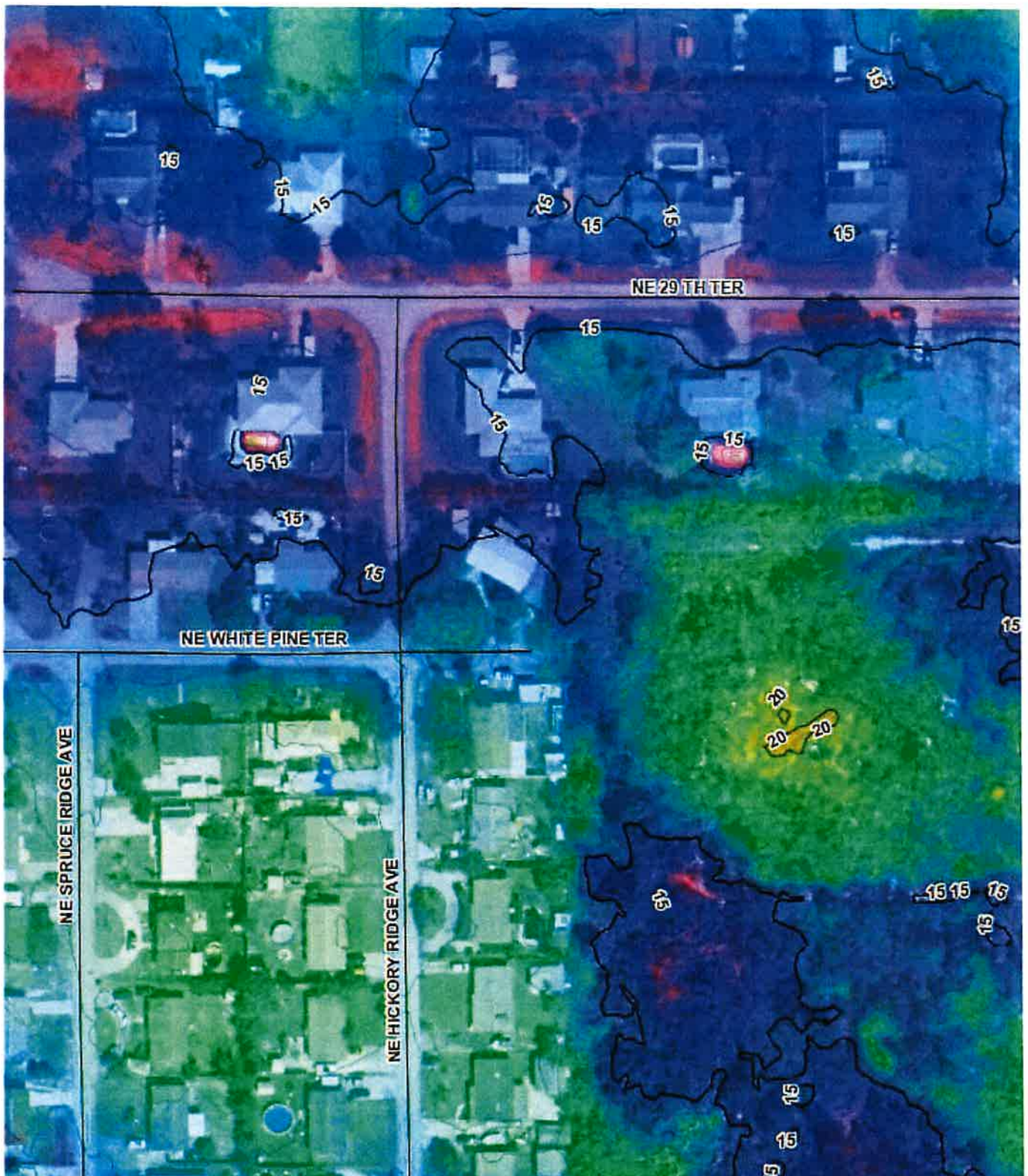
**From:** Lisa Wichser <lwichser@martin.fl.us>  
**Sent:** Wednesday, February 10, 2021 5:51 PM  
**To:** Michael Grzelka  
**Cc:** Terrance O'Neil; townclerk@townofoceanbreeze.org; Kristen L Northup; Michelle Cullum; Karl K Albertson; FrankCovelli@forestar.com; Shaun G. MacKenzie, P.E.  
**Subject:** RE: Seawalk impacts on County residents?

Michael,

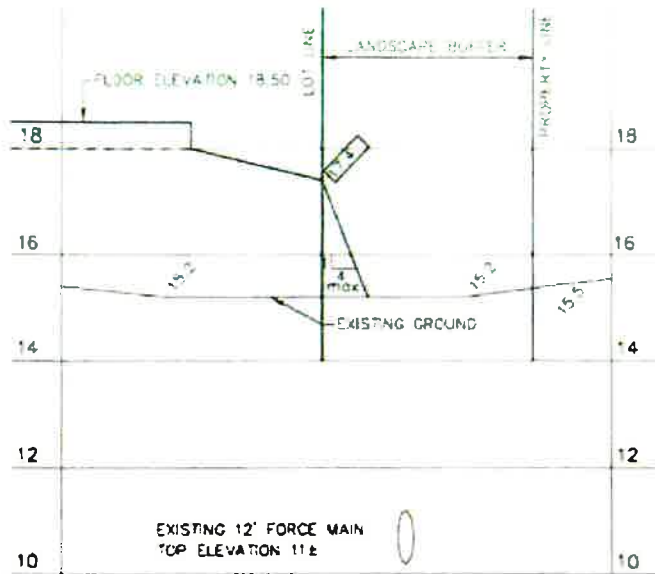
Please accept my apologies for the delay in my response.

While I don't dispute that there were flooding issues in this area before the development of Seawalk I do think that the runoff ran through the Seawalk property and percolated into the ground. This can be seen from the 2016 contours that were extracted from the 2016 Digital Elevation Model (DEM), which is more extensive than the topography obtained in your survey.





Your section G-G shows the Seawalk development added several feet of fill in the area in question.



### SECTION "G" - "G"

SCALE : HORIZONTAL 1"=20'  
VERTICAL 1"=2'

**Lisa A. Wichser, P.E., CFM**  
County Engineer  
Public Works Department  
Martin County Board of County Commissioners  
772-223-7945 (office)

**From:** Michael Grzelka <[michael@grzelka.us](mailto:michael@grzelka.us)>

**Sent:** Thursday, January 21, 2021 1:04 PM

**To:** Lisa Wichser <[lwichser@martin.fl.us](mailto:lwichser@martin.fl.us)>

**Cc:** Terrance O'Neil <[terracewoneil@gmail.com](mailto:terracewoneil@gmail.com)>; [townclerk@townofoceanbreeze.org](mailto:townclerk@townofoceanbreeze.org); Kristen L Northup <[KLNorthup@drhorton.com](mailto:KLNorthup@drhorton.com)>; Michelle Cullum <[mcullum@martin.fl.us](mailto:mcullum@martin.fl.us)>; Karl K Albertson <[kkalbertson@drhorton.com](mailto:kkalbertson@drhorton.com)>; [FrankCovelli@forestar.com](mailto:FrankCovelli@forestar.com); Shaun G. MacKenzie, P.E. <[shaun@mackenzieengineeringinc.com](mailto:shaun@mackenzieengineeringinc.com)>

**Subject:** Re: Seawalk impacts on County residents?

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Lisa,

Please note that this subdivision (platted and constructed in 1976 without any drainage) has had historic flooding issues long before Seawalk was developed. The flooding issues in this neighborhood have always been present during heavy rains and especially exasperated when Savannah Road would flood adjacent to this subdivision. Some of the residents even went on record during our public hearings stating that they have had flooding issues on their roads in the past. If you look at the attached topo that was done for the Seawalk



project you can clearly see that their roads are actually down around the mid 13's while the existing grades on the seawalk property prior to construction are in the mid 15's as are their lot grades so in order for their water to flow over onto the seawalk property as you believe their ROW would have had to have about 2 feet of water over them prior to any flow ever leaving their property. It is also worth noting that during all of the heavy rains over the past year water barely flowed more than a few yards from the pipes into the dry retention areas on the Seawalk property before percolating into the ground so it is highly unlikely that water ever flowed across the Seawalk property as you have described.

If you have any additional questions please call.

Thanks,

Michael

**Michael J Grzelka PE**

Grzelka Engineering Inc.

2740 SW Martin Downs Blvd #418

Palm City, FL 34990

772-485-0615

[michael@grzelka.us](mailto:michael@grzelka.us)

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On Wed, Jan 20, 2021 at 11:23 AM Lisa Wichser <[lwichser@martin.fl.us](mailto:lwichser@martin.fl.us)> wrote:

Good morning –

It has been two months since we asked for your assistance with the apparent blockage of stormwater runoff through the recently developed Seawalk property. I understand that the rain has subsided, but it is a matter of time before it intensifies in the spring. Do you have the ability to require the developer or its engineer address this concern?

**Lisa A. Wichser, P.E., CFM**

County Engineer

Public Works Department

Martin County Board of County Commissioners

772-223-7945 (office)

**From:** Lisa Wichser

**Sent:** Thursday, November 19, 2020 2:22 PM

**To:** Terrance O'Neil <[terracewoneil@gmail.com](mailto:terracewoneil@gmail.com)>; [townclerk@townofoceanbreeze.org](mailto:townclerk@townofoceanbreeze.org); [michael@grzelka.us](mailto:michael@grzelka.us)

**Cc:** Kristen L Northup <[KLNorthup@drhorton.com](mailto:KLNorthup@drhorton.com)>; Michelle Cullum <[mcullum@martin.fl.us](mailto:mcullum@martin.fl.us)>; James Gorton <[jgorton@martin.fl.us](mailto:jgorton@martin.fl.us)>

**Subject:** Seawalk impacts on County residents?

Good afternoon,

Please investigate the claims of residents on NE 29<sup>th</sup> Street in Jensen Beach. They are claiming that Seawalk development has caused the road and their yards to flood and has eliminated the functionality of their drainfields. We understand that there has been a significant amount of rainfall in 2020 and that many residents have experienced more standing water in their roads and properties, however, it appears that the historic flow of stormwater runoff may have been impeded by the recent construction in Seawalk.

The predevelopment topography can be seen in the attached map. The 2016 contours are imposed on the 2016 Digital Elevation Model (DEM). In the image, you can see that the stormwater from NW 29<sup>th</sup> Street ran through the Seawalk property (through the purple slough) and most likely infiltrated in the low spot of the dune (the pink hole).

Since then, the Seawalk property has been raised and appears to be blocking that pre-development runoff, which has nowhere to go. This is shown on Paving and Grading Plan sheets 11 and 12 and on Paving and Grading Detail sheet 46 (Section G-G).

Anything you can do to assist will be greatly appreciated. Thank you kindly,

**Lisa A. Wichser, P.E., CFM**

County Engineer

Public Works Department

Martin County Board of County Commissioners

772-223-7945 (office)

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## Memorandum

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TO: **MAYOR AND TOWN COUNCIL**

FROM: **HOLLY VATH, FINANCIAL CONSULTANT**

SUBJECT: **2023 BUDGET AMENDMENT #4**

DATE: **OCTOBER 9, 2023**

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The attached resolution amends the 2023 budget.

### **General Government**

The original 2023 adopted budget included 25 hours per week at \$18.00 per hour for the Office Assistant. The Office Assistant worked on average 30 hours per week. The hourly rate was increased to \$20 per hour during the fiscal year. This generated additional expenses of approximately \$12,350. In addition, the expense for meeting security by the Martin County Sheriff's office was not needed. The Sheriff regularly sends an officer to the Council meetings at no charge to the Town.

### **Public Safety**

There were additional expenses for the Building Official, Town Attorney and Permit processor related to PUD closeout of the Seawalk development.

### **Revenue**

An increase in interest income, building permits and local communications services tax revenue offset the increase in expenditures.



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

**RESOLUTION NUMBER 343-2023**

**A RESOLUTION OF THE TOWN COUNCIL OF THE  
TOWN OF OCEAN BREEZE, FLORIDA AUTHORIZING  
BUDGET AMENDMENT #4 TO THE GENERAL FUND  
BUDGET IN THE AMOUNT OF \$39,450 TO RECOGNIZE  
ADDITIONAL GENERAL GOVERNMENT AND PUBLIC  
SAFETY EXPENSES, PROVIDING FOR AN EFFECTIVE  
DATE, AND FOR OTHER PURPOSES.**

\* \* \* \* \*

**BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF OCEAN  
BREEZE, FLORIDA that:**

**SECTION 1:** For the purpose of increasing the 2023 budget for additional expenses incurred during the 2022/2023 fiscal year, amending the General Fund Budget of the Town of Ocean Breeze adopted by Resolution No. 328-2022 of the Town Council of the Town of Ocean Breeze, is hereby amended, as follows:

**REVENUE INCREASE:**

Local communications services tax	\$1,450
Interest income	21,000
Building permits	17,000
Total	<u>\$39,450</u>

**EXPENDITURE INCREASE:**

General government	\$10,100
Public safety	29,350
Total	<u>\$39,450</u>

**SECTION 3:** This resolution shall take effect on adoption.

**ADOPTED** this 9<sup>TH</sup> day of October, 2023.

Council Member \_\_\_\_\_ offered the foregoing resolution moved its adoption. 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

SANDY KEHLBECK-KELLEY, COUNCIL MEMBER

ELIZABETH REESE, COUNCIL MEMBER

GINA KENT, COUNCIL MEMBER

KEVIN DOCHERTY, COUNCIL MEMBER

YES	NO	ABSENT

**ATTEST:**

\_\_\_\_\_  
KIM STANTON  
TOWN CLERK

\_\_\_\_\_  
KENNETH DE ANGELES  
PRESIDENT

\_\_\_\_\_  
KAREN M. OSTRAND  
MAYOR

APPROVED AS TO FORM:

\_\_\_\_\_  
WILLIAM F. CRARY, II  
TOWN ATTORNEY

**Town Clerk**

---

**From:** Town Clerk  
**Sent:** Wednesday, November 1, 2023 3:01 PM  
**To:** Terry O'Neil (terracewoneil@gmail.com); Permits; Karen Ostrand  
**Cc:** Liz Reese; Gina Kent; Ken De Angeles; Kevin Docherty; Karen Ostrand; Sandy Kelley  
**Subject:** FW: Next Town Council Meeting

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Please do not "reply all" to this email.

Kim Stanton  
 Town Clerk

Town of Ocean Breeze  
 Post Office Box 1025  
 Jensen Beach, FL 34958  
 Telephone: (772) 334-6826  
 Cell: (772)-215-2700  
 Fax: (772) 334-6823  
[www.townofoceانبreeze.org](http://www.townofoceانبreeze.org)

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-----Original Message-----

**From:** jngroslyn <jngroslyn@aol.com>  
**Sent:** Wednesday, November 1, 2023 2:54 PM  
**To:** Town Clerk <townclerk@townofoceانبreeze.org>  
**Cc:** Janet Galante <jngroslyn@aol.com>; Anthony Herzog <aherzog@suncommunities.com>; Trevor Wilson <twilson1@suncommunities.com>  
**Subject:** Next Town Council Meeting

[You don't often get email from jngroslyn@aol.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Dear Mayor and Town Council;

I respectfully request that a discussion about the Brightline trains, freight trains and the excessive horn blowing be put on the next Board Agenda, November 13th. I have discussed the above with Mr. Anthony Herzog, Property Site Manager who will attend.

These overbearing horns are becoming a nuisance to our community and the quality of life.

Thank you for your attention in the above.

Sincerely,

Honorable Janet Galante

Sent from my iPhone