

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

March 10, 2025, 10:30 a.m.
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 Docherty**
 - Pledge of Allegiance
 - Roll Call
- 2. Approval of Minutes –**
 - Regular Meeting, Monday, February 10, 2025 (due to the length of the meeting these minutes will be brought forward at the Regular Meeting in April)
 - Special Meeting February 27, 2025
(Motion, second, public comments, all in favor)
- 3. Presentation by Amy Heimberger Lopez, CEM, FPDM, Deputy Director Emergency Management – Martin County Local Mitigation Strategy**
- 4. Budget to Actual, Fiscal Year Ending December 31, 2024 – Memo from Town Financial Consultant, Holly Vath**
(Motion to accept, second, public comment, all in favor)
- 5. Resolution #361-2025 - A RESOLUTION OF THE TOWN OF OCEAN BREEZE, FLORIDA; CREATING AND IMPLEMENTING POLICIES AND PROCEDURES FOR THE INVITATION OF SPEAKERS, REQUESTS FOR PROCLAMATIONS, CERTAIN RESOLUTIONS, AWARDS, CERTIFICATES, AND OTHER CEREMONIAL ITEMS; PROVIDING FOR CONDITIONS, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**
(Motion to adopt, second, public comments, roll call)
- 6. Comments from the public on topics not on the Agenda-(please limit comments to 3-5 minutes)**
- 7. Comments from the Council on topics not on the Agenda – Committee reports if applicable**
- 8. Comments from Town Attorney Gemma Torcivia – Update on Tie Votes**
- 9. Comments from Mayor Ostrand – Update on Possible Utility Tax Ordinance**
- 10. Announcements** Regular Town Council Meeting – Monday, April 14, 2025, at 6:00 p.m. to be held at Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze
- 11. Adjourn**
(Motion, second, all in favor)

TOWN OF OCEAN BREEZE
MINUTES SPECIAL TOWN COUNCIL MEETING
Thursday, February 28, 2025, 6:00 p.m.
Ocean Breeze Resort Clubhouse, Media / Maritime Room
700 NE Seabreeze Way, Ocean Breeze, FL

- 1. **Call to Order** – President Docherty called the meeting to order at 6:00 p.m.
 - Pledge of Allegiance – Mayor Ostrand led the Pledge of Allegiance
 - Roll Call – Present: Mayor Karen M. Ostrand; President Kevin Docherty; Vice President Sandy Kelley; Council Members George Ciaschi, Janet Galante, Michael Heller, and Matthew Squires
 - Staff Present – Management Consultant, Terry O’Neil; Attorney, Gemma Torcivia; Attorney Consultant, Paul Nicoletti; Engineer Consultant, Leo Giangrande, PE; Permit Processor, Pam Orr; Town Clerk, Kim Stanton

2. Proposed Resolution No. 359-2025 – A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE FINDING THAT FORESTAR (USA) REAL ESTATE GROUP, INC. HAS DEFAULTED UNDER THAT CERTAIN CONTRACT OF CONSTRUCTION OF REQUIRED IMPROVEMENTS AND INFRASTRUCTURE FOR OCEAN BREEZE WEST PLANNED UNIT DEVELOPMENT (PUD); AUTHORIZING A CLAIM (A “CALL”) UPON THE PERFORMANCE SURETY BOND FOR SAID INFRASTRUCTURE DEVELOPMENT; PROVIDING DIRECTIONS; AND PROVIDING FOR AN EFFECTIVE DATE – Kim Stanton read the title into the record.

Attorney Paul Nicoletti stated that at the February 10, 2025 Town Council meeting, staff was directed to bring this item before the Town Council as soon as possible for consideration. He gave a brief history regarding the Seawalk infrastructure development. He added that, if passed, he would contact Westchester Fire Insurance Company through its agents (Chubb Insurance) and send them a certified copy of the Resolution and the attachments. He stated that he had spoken to Attorney Will McFetridge, representing Forestar Development, regarding the situation.

Council Member Squires, seconded by Council Member Ciaschi, made a motion to adopt Resolution No. 359-2025.

President Docherty asked for comments from the public.

Matthew Biondolillo, 2680 NE Breezeway Circle, suggested removing the word infrastructure and replacing it with development.

Attorney Nicoletti stated that the term used in the contract for the bond was “infrastructure.”
(Roll call vote: Yes: Docherty, Kelley, Ciaschi, Galante, Heller, Squires; No: none; motion passed 6-0)

3. Announcements – President Docherty announced that the Regular Town Council meeting would be held on Monday, March 10, 2025, at 10:30 a.m. at the Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze.

4. Adjourn – Council Member Galante, seconded by Council Member Squires, made a motion to adjourn the meeting at 6:45 p.m.
(All in favor: Yes: Docherty, Kelley, Ciaschi, Galante, Heller, Squires; No: None; Motion passed 6-0)

Respectfully Submitted,

Kim Stanton
Town Clerk

Minutes approved: _____



Martin County Local Mitigation Strategy

Town of Ocean Breeze
Town Council Regular Meeting
Monday, March 10, 2025



Mitigation

Action of reducing the severity or harmful effects of an existing or possible hazard that affects Martin County.



Local
Mitigation
Strategy

Hazards

Natural
Technological
Societal



Local
Mitigation
Strategy

IMMIGRATION CRISES
HURRICANES
HARMFUL ALGAL BLOOM
INVASIVE SPECIES
WELLFIELD CONTAMINATION
TRANSPORTATION ACCIDENTS
RADIOLOGICAL/NUCLEAR ACCIDENT
SHORELINE EROSION
FLOODS
EXTREME TEMPERATURES
TERRORISM
SEVERE CIVIL DISTURBANCE
DAM FAILURE
TSUNAMIS
THUNDERSTORM
PANDEMICS
HAZARDOUS MATERIALS
SEA LEVEL RISE
DROUGHT
CYBER INCIDENTS
WILDFIRES
TORNADOES

Update

Every 5 years (2020 - 2025)

Subcommittee meetings

Revise hazards, update events, project criteria

Public involvement



**Local
Mitigation
Strategy**

Projects

S6 (C4-b) Mitigation Projects in Each Jurisdiction

***REQUIREMENT:** *Each plan participant must identify one or more mitigation actions the participant(s) intends to implement for each hazard addressed in the risk assessment.*

For this requirement, the plan must include mitigation projects or actions for each participating jurisdiction. The actions may apply to physical infrastructure, as well as the populations within the planning area. If a single project is used for multiple jurisdictions, ensure this is stated. The actions must be achievable and demonstrate how the mitigation activities reduce the risks identified in the risk assessment.



Local
Mitigation
Strategy

Adoption



Local
Mitigation
Strategy



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

RESOLUTION NUMBER 320-2021

A RESOLUTION OF THE TOWN OF OCEAN BREEZE, FLORIDA, ADOPTING THE MOST RECENT VERSION OF THE MARTIN COUNTY UNIFIED LOCAL MITIGATION STRATEGY PLAN DATED OCTOBER 8, 2020 AS THE OFFICIAL DOCUMENT FOR THE TOWN'S INCLUSION IN THE STATE-WIDE HAZARD MITIGATION STRATEGY; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, it is in the public's best interest that the Town of Ocean Breeze adopt and adhere to the most recent version of the *Martin County Unified Local Mitigation Strategy Plan* dated October 8, 2020;

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

SECTION 1. The *Martin County Unified Local Mitigation Strategy Plan*, shown as Exhibit "A" attached, is hereby adopted.

SECTION 2. This resolution supersedes Resolution No. 242-2016 which adopted an earlier version of the *Martin County Unified Local Mitigation Strategy Plan*.


APPROVED AND ADOPTED this 11th day of October, 2021:

	YES	NO	ABSENT
KENNETH DE ANGELES, PRESIDENT			
RICHARD GORDON, VICE-PRESIDENT			
WILLIAM VANDERK, COUNCIL MEMBER			
KEVIN DOHERTY, COUNCIL MEMBER			
DORRY LOCATEY, COUNCIL MEMBER			
DAVID WAGNER, COUNCIL MEMBER			

ATTEST:


PAMORA
TOWN CLERK


KENNETH DE ANGELES
COUNCIL PRESIDENT


WILLIAM C. CARY II
TOWN ATTORNEY
APPROVED AS TO FORM


KAREN C. ORLANDO
MAYOR

Feedback

mcema@martin.fl.us



Local
Mitigation
Strategy



Memorandum

TO: TOWN COUNCIL AND MAYOR

FROM: HOLLY VATH, FINANCIAL CONSULTANT

SUBJECT: QUARTERLY FINANCIAL REPORT

DATE: FEBRUARY 16, 2025

Attached is the quarterly financial report for the first quarter of fiscal year 2025.

Revenue

The total budgeted revenues were \$119,246, the Town received \$103,377 which is \$15,870 less than budgeted. ½ Cent sales tax remains below budget. There is a one-month lag in this revenue, so we anticipate receiving the budgeted revenue. Building permit revenue is also below budget, however after the January Council Meeting the Sun Communities permits were issued. Interest income is slightly below budgetary expectations. The federal funds rate has declined from last fiscal year, should additional reductions occur in the federal funds rate, interest income may remain below budget. The FL Class 30-day yield is 4.46%

Expenditures

The total budgeted expenditures through December 31, 2024, were \$99,398. The Town spent \$82,428 which is \$16,969 less than budgeted. Accounts of special note are the two Code Compliance accounts. While through the end of December they appear to be trending slightly above budget, additional billing through January shows these accounts over budget which is trending to an annual amount which would exceed the budget by \$20,000-\$30,000. A significant amount of time has been spent on resolving the outstanding PUD items at Seawalk and the Resort. Staff anticipate bringing a budget amendment forward in April to address the over budget items. The only available funding would be the additional use of reserves.

The positive net income will reverse with the utilization of budgeted reserves.

Town of Ocean Breeze General Fund
Profit & Loss Budget vs. Actual
 October through December 2024

	<u>Oct - Dec 24</u>	<u>Budget</u>	<u>\$ Over Budget</u>
Ordinary Income/Expense			
Income			
6001 · Taxes from other Governments			
312300 · State Fuel Tax	1,111.06	859.50	251.56
312410 · Local Option Gas Tax	6,242.38	5,612.49	629.89
312420 · New Local Option Gas Tax	4,506.98	5,612.49	-1,105.51
314200 · Local Communications Svc Tax	1,366.38	1,474.98	-108.60
335120 · State Revenue Sharing	5,061.48	3,915.48	1,146.00
335140 · Mobile Home Tags	793.25	774.99	18.26
335150 · Alcoholic Beverage Licenses	0.00	574.98	-574.98
335180 · 1/2 Cent Sales Tax	12,397.26	21,634.98	-9,237.72
Total 6001 · Taxes from other Governments	31,478.79	40,459.89	-8,981.10
6002 · Licenses & Permits			
322000 · Building Permits	2,584.25	4,999.98	-2,415.73
338200 · Occupational Licenses	51.20	124.98	-73.78
Total 6002 · Licenses & Permits	2,635.45	5,124.96	-2,489.51
6003 · Other Fees for Services			
322001 · Fire Inspections	0.00	0.00	0.00
Total 6003 · Other Fees for Services	0.00	0.00	0.00
6004 · Investment & Other Earnings			
361000 · Interest Income	4,632.32	4,999.98	-367.66
Total 6004 · Investment & Other Earnings	4,632.32	4,999.98	-367.66
6005 · Ad Valorem Revenue			
312100 · Ad Valorem	64,630.43	68,662.00	-4,031.57
Total 6005 · Ad Valorem Revenue	64,630.43	68,662.00	-4,031.57
6007 · Miscellaneous Income			
369000 · Misc Inc - MCSB Admin Fee, Etc.	0.00	0.00	0.00
Total 6007 · Miscellaneous Income	0.00	0.00	0.00
Total Income	103,376.99	119,246.83	-15,869.84

Town of Ocean Breeze General Fund Profit & Loss Budget vs. Actual October through December 2024

Expense	Oct - Dec 24	Budget	\$ Over Budget
6101 · General Government			
513150 · Gross Payroll	14,017.50	11,374.98	2,642.52
513297 · Grant Management Consultant	0.00	0.00	0.00
513301 · Management Consultant	0.00	7,000.03	-7,000.03
513302 · Rent	5,521.40	3,726.24	1,795.16
513304 · Communications / Website	3,160.62	3,662.49	-501.87
513305 · Engineering	2,860.00	1,249.98	1,610.02
513306 · Accountant	0.00	1,999.98	-1,999.98
513308 · Insurance W/C	1,711.00	5,000.00	-3,289.00
513309 · Insurance Package	23,576.00	27,000.00	-3,424.00
513311 · Public Advertising Notices	0.00	999.99	-999.99
513312 · Office Equipment & Supplies	1,971.10	2,666.25	-695.15
513313 · Postage	73.00	249.99	-176.99
513314 · Petty Cash	0.00	0.00	0.00
513315 · Audit	0.00	0.00	0.00
513316 · Utilities	151.11	180.00	-28.89
513317 · Dues	982.00	391.23	590.77
513318 · Mileage Reimb. - Clerks	0.00	75.00	-75.00
513319 · Conferences & Travel - Council	1,119.17	1,725.00	-605.83
513321 · Election Expenses	0.00	499.98	-499.98
513324 · Special Project-Digitizing	0.00	0.00	0.00
513326 · Special Projects	561.00	3,000.00	-2,439.00
513820 · Contributions	0.00	249.99	-249.99
514100 · Legal Counsel	6,270.00	6,000.00	270.00
514200 · Computer Services	5,649.00	5,100.00	549.00
531110 · Payroll Taxes - Fica	869.09	707.49	161.60
531111 · Payroll Taxes - Medicare	203.25	165.00	38.25
Total 6101 · General Government	68,695.24	83,023.62	-14,328.38
6102 · Public Safety			
524200 · Building Official Services	3,400.00	6,750.00	-3,350.00
524210 · Building Code Compliance Ser	1,553.75	1,999.98	-446.23
524220 · Code Compliance Legal	5,802.50	1,249.98	4,552.52
524300 · Fire Safety Inspector	0.00	124.98	-124.98
524310 · Permit Processing Services	2,711.25	4,999.98	-2,288.73
Total 6102 · Public Safety	13,467.50	15,124.92	-1,657.42

2:20 PM

02/11/25

Accrual Basis

**Town of Ocean Breeze General Fund
Profit & Loss Budget vs. Actual
October through December 2024**

	<u>Oct - Dec 24</u>	<u>Budget</u>	<u>\$ Over Budget</u>
6104 · Transportation			
541300 · Road and Street Maintenance	0.00	799.98	-799.98
541301 · Street Lights	265.84	450.00	-184.16
Total 6104 · Transportation	<u>265.84</u>	<u>1,249.98</u>	<u>-984.14</u>
Total Expense	<u>82,428.58</u>	<u>99,398.52</u>	<u>-16,969.94</u>
Net Ordinary Income	<u>20,948.41</u>	<u>19,848.31</u>	<u>1,100.10</u>
Net Income	<u><u>20,948.41</u></u>	<u><u>19,848.31</u></u>	<u><u>1,100.10</u></u>

To: Town of Ocean Breeze Mayor and Council
From: Gemma Torcivia, Esq., Town Attorney
Date: March 5, 2025
Re: Town of Ocean Breeze Speaker and Ceremonial Policy

This memorandum will address the new “Town of Ocean Breeze Speaker and Ceremonial Policy” that has been drafted for the review and approval by the Town Council. This is an item that the Town Council requested that Mayor and staff prepare for their review and consideration.

The proposed “Town of Ocean Breeze Speaker and Ceremonial Policy” is detailed in the proposed resolution. This resolution establishes the policy and procedure for the following circumstances: when a person wants to or wants the Town to request a speaker to attend a Town Council meeting, request a Town proclamation, request certain types of Town resolutions, request an award, request a certificate, or request other ceremonial items.

If someone wants to make one of those requests, the person making the request will need to follow the following steps:

- 1) File a Petition in writing (email is sufficient) with any member of staff or Town Council. A copy of the petition needs to be sent by the requester contemporaneously to the Town Mayor as well.
- 2) File the petition at least fourteen (14) days before the Town Council’s next regularly scheduled meeting (check the Town website for meeting dates).

Valid petitions must meet a few requirements:

- 1) The request must be about an organization or event that occurs in or benefits the Town; a government or government issue at the local, state, or federal level; or a person who has lived in, worked in or for, or contributed to the Town.
- 2) The request can only relate to one person or topic, not multiple subjects although the request can request more than one thing for the same party. For example, a person can request a speaker attend the meeting and that the speaker be presented with a certificate at the meeting.
- 3) The petition must include the name of the speaker or honoree(s), a description of their topic to speak on and/or their accomplishments, contact information for the person making the petition, and other relevant information such as dates and relevant or historical significance.

A topic or individual is only eligible for a proclamation, resolution, award, certificate once per calendar year unless the Town Council, by majority vote, finds there are special circumstances.



RESOLUTION NO. 361-2025

A RESOLUTION OF THE TOWN OF OCEAN BREEZE, FLORIDA; CREATING AND IMPLEMENTING POLICIES AND PROCEDURES FOR THE INVITATION OF SPEAKERS, REQUESTS FOR PROCLAMATIONS, CERTAIN RESOLUTIONS, AWARDS, CERTIFICATES, AND OTHER CEREMONIAL ITEMS; PROVIDING FOR CONDITIONS, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Town of Ocean Breeze, Florida (the “Town”) desires to create and implement a policy and procedure for the invitation of speaks, requests for proclamations, certain resolutions, awards, certificates, and other ceremonial items for the Town Council (the “Council”); and

WHEREAS, the policy and procedures can be amended from time to time as the Council finds appropriate by resolution; and

WHEREAS, the Council can, by majority vote, suspend this policy and procedure for special circumstances; and

WHEREAS, the policy and procedure shall be henceforth known as the “Town of Ocean Breeze Speaker and Ceremonial Policy”.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA:

Section 1. Findings. That the foregoing recitals are hereby ratified and incorporated as the legislative intent of this Resolution.

Section 2. Definitions. A “Request” is defined as a party’s request to/for 1) invite a speaker, 2) a proclamation, 3) a resolution, 4) an award, 5) a certificate, 6), and/or 7) miscellaneous ceremonial items; a “Petition” is a party’s formal submission seeking the creation of a Request.

Section 3. Submission of Petitions. A petitioning party shall submit their Petition in writing (email is sufficient) to 1) any member of the Town Council or a member of Town staff with a copy of the Petition sent by the petitioning party contemporaneously to the Town Mayor.

Section 4. Petition Deadline. A petitioning party must submit their Petition as required by Section 3 at least fourteen (14) days prior to the Council's next regular meeting date.

Section 5. Criteria for Certain Requests. A Request for a proclamation, certificate, and/or any other ceremonial item must concern or apply to at least one of the following: a) an organization or event occurring within the Town or benefiting the Town; b) a government or governmental issue or event at the local, state or federal level; and/or c) an individual who has resided or worked in or made contributions to the Town.

Section 6. Issuance of Certain Requests. A topic or individual is only eligible for one proclamation, resolution, award, certification, or in any calendar year unless the Council, by majority vote, finds there is a special circumstance.

Section 7. Single Subject. A new Petition must be submitted for each Request, and each petition must concern only a single Request. However, a Petition can Request that there be a combination of requested items provided at the same time, for example, for a speaker to be invited to speak and also given a certificate.

Section 8. Required Details for Petitions. In order for a petition to be considered, it must include the name of speaker or honoree(s) (as appropriate), description of topic and/or accomplishments (as appropriate), contact information, and other relevant details including dates and/or relevant or historical significance (as appropriate).

Section 9. Prohibited Requests. Requests that are for commercial purposes (including, but not limited to, the opening of a new business, anniversaries of businesses or non-profit organizations), matters of political controversy, ideological or religious beliefs or individual convictions, campaigns or events contrary to Town policies or espousing hatred, violence, or discrimination are not permitted. Any Petitions concerning these subjects may be rejected in due course by the Town Mayor.

Section 10. Status of Certain Requests. Any approved proclamations, certain resolutions, awards, certifications, and other ceremonial items are strictly honorary, are not legally binding, and do not constitute an endorsement by the Town.

Section 11. Conflicts. All resolutions or parts of resolution insofar as they are inconsistent or in conflict with the provisions of this Resolution are hereby repealed to the extent of any conflict.

Section 12. Severability. In the event that any portion of this Resolution is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portion or sections of the Resolution which shall remain in full force and effect.

Section 13. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA, THIS _____ DAY OF _____, 2025.

BY: _____
Karen Ostrand, MAYOR

ATTEST:

Kim Stanton, TOWN CLERK

Approved as to form and legality
for use and reliance of the Town of
Ocean Breeze, Florida

Gemma Torcivia, Esq.,
TOWN ATTORNEY

GENERAL INFORMATION ITEMS

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

- A. Attorney Nicoletti's correspondence to Kyle Williams at Willis Towers Watson Southeast, Inc. to start the procedure to make a claim on the Bond for the Seawalk Development.
- B. Captec Engineering confirming plan submittal for the infill area at Ocean Breeze Resort for Sun Communities
- C. Correspondence with the Martin County Property Appraiser's office to schedule a time to discuss how the Property Appraiser determines market value.

Item A



PAUL J. NICOLETTI
Attorney at Law
1445 SE Lark Boulevard
Stuart, Florida 34996-2609

Of Counsel:
TG Law PLLC
515 South Flagler Drive
Suite 350
West Palm Beach, FL 33401

VIA EMAIL ONLY to: Kyle.Williams2@wtwco.com

February 28, 2025

Mr. Kyle Williams
National Surety Client Executive
Willis Towers Watson Southeast, Inc.
Five Concourse Parkway, Floor 1800
Atlanta, GA 30328

Reference: Bond No. K09676235, Issued by Westchester Fire Insurance Company
for Forestar (USA) Real Estate Group, Inc.

Dear Mr. Williams:

You may recall that I represent the Town of Ocean Breeze, Florida regarding the closeout of a real estate project called "SeaWalk" which is a planned unit development of 143 single family homes initiated by Forestar (USA) Real Estate Group, Inc., with homes constructed by D.R. Horton, Inc. Forestar is the holder of all the development orders and permits regarding the infrastructure which is the issue at hand.

At last evening's Special Meeting, the Town Council adopted Resolution No. 359-2025, directing us to contact you and do those things necessary to make a call on the above Performance Surety Bond. A recorded certified copy of that Resolution is attached for your review.

As you will see recited in the Resolution, when the Ocean Breeze West Planned Unit Development (PUD) was adopted by the Town as Ordinance No. 251-2017, the required completion date was March 20, 2020.

When Forestar assumed the ownership of the property, the PUD was accepted by them, and the date was not amended by Forestar. From March, 2020 until December, 2022, the Town did not make an issue of this matter. It was not until December, 2022, that the Town asked Forestar to close out the permits, and the Town's Management Consultant, Terry O'Neil

Telephone: (772) 260-3276

Email: pnicoletti@comcast.net

February 28, 2025

Mr. Kyle Williams

Willis Towers Watson Southeast, Inc.

Reference: Bond No. K09676235, Issued by Westchester Fire Insurance Company
on Behalf of Forestar (USA) Real Estate Group, Inc.

Page 2 of 2

contacted Forestar providing them with a closeout matrix of items which showed the items needing attention before the PUD permits could have a final inspection and be closed.

Since that time, the Town's Mayor Karen Ostrand, Terry O'Neil, and the Town staff and consultants have met with and otherwise been in touch with Forestar by and through Mr. Zach Griffin, Land Development Manager for Southeast Florida, and Forestar's attorney, Will McFetridge, Esquire, on several occasions in an effort to bring this matter to conclusion. You may also recall that when I contacted you last summer, I was hopeful we would work out the issues that needed to be completed. Unfortunately, this has not been the case.

To that end, the Town is obtaining an Engineer's Evaluation and Estimate of Cost to pursue this claim, along with a detailed summary of all the costs incurred so far pursuing the matter with Forestar. At this time, we believe the Bond amount is sufficient to finalize the project and close out the permits.

I am asking you to reply by explaining what additional information you will need to perfect this claim. Naturally, if you have any questions or want to discuss the matter further, I invite you to contact me directly. I look forward to your speedy reply.

Very truly yours,



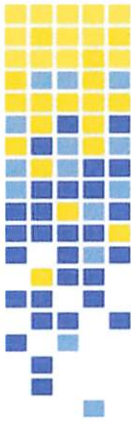
PAUL J. NICOLETTI

Attachment: Resolution 359-2025, with enclosures

cc: Mayor and Town Council; Town Staff; and Gemma Torcivia, Town Attorney
Leo Giangrande, P.E., Town's Consulting Engineer
William McFetridge, Esquire, Johnson Pope Bokor Ruppel & Burns, LLP, 400 N. Ashley Drive,
Suite 3100, Tampa, FL 33602, Tel. (813) 579-4177, Email:
Zachary Griffin, Land Development Director, SE Florida, Forestar (USA) Real Estate Group, Inc.,
1001 Yamato Rd., Ste 408, Boca Raton, FL 33431, Tel. (561) 208-3312
ZacharyGriffin@forestar.com

Telephone: (772) 260-3276

Email: pnicoletti@comcast.net



MEMORANDUM

DATE: February 14, 2025

TO: Town of Ocean Breeze

FROM: Joseph W. Capra, P.E.

RE: Ocean Breeze Resort – Northern Infill Area
 Town of Ocean Breeze Resolution No. 258-2025 Stipulation Agreement
Overall Transmittal / Summary of Water / Sewer / Drainage / Roadway Improvements

In accordance with the Stipulation Agreement between the Town of Ocean Breeze and Sun Communities, Inc., (reference Town Resolution No. 258-2025, dated January 13, 2025), CAPTEC Engineering Inc., makes the following submittals:

February 14, 2025 Submittals (Memorandums / Reports / Plans):

1. Potable Water and Fire Hydrant System (Construction in Phase 1 and 2) (Stipulation Agreement Item 11)*
2. Sanitary Sewer System (Repair Completion in Phase 1) (Stipulation Agreement Item 14)*
3. Stormwater Improvement Recommendations (Retrofit in Phases 1 and 2) (Stipulation Agreement Item 13a)*
4. Roadway Paving (Completion after Infrastructure Construction Phases 1 and 2) (Stipulation Agreement Item 12)**
5. Lighting (Stipulation Agreement Item 15) – In Compliance
6. 1 NE Palm Drive Drainage Repair Status Update (currently obtaining costs and constructability from Contractors)

Recommended Construction Sequencing:

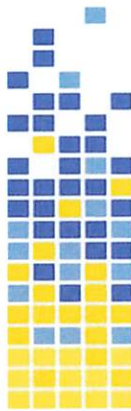
Phase 1:	Water Improvements:	See Construction Plans, Sheet 3A of 14.
Phase 1:	Sewer Improvements:	See Construction Plans, Sheet 4 of 14.
Phase 1:	Drainage Improvements:	See Construction Plans, Sheet 5 of 14.
Phase 2:	Water Improvements:	See Construction Plans, Sheet 3D of 14.
Phase 2:	Drainage Improvements:	See Construction Plans, Sheets 5 and 6 of 14.

*The Water, Sewer, and Drainage Improvements are all within the Construction Plans. Upon review and permit approval of the Construction Plans by Martin County Utilities and the Town of Ocean Breeze, CAPTEC Engineering, Inc., will coordinate with Sun Communities, Inc., for the construction of the approved plans.

**It is CAPTEC Engineering, Inc.'s recommendation that the asphalt patching be made following all infrastructure completion. CAPTEC Engineering, Inc., further recommends that the roads be patched to settle for one year following the completion of infrastructure improvements prior to the asphalt overlay and milling improvements being made.

Sun Communities, Inc., intends to complete the above improvements Numbered 1 through 3 upon receipt of permitted plans by the Florida Department of Environmental Protection and the Town of Ocean Breeze. Items 1 through 3 above will be constructed in order.

301 NW Flagler Avenue • Stuart, Florida 34994 • (772) 692-4344 • www.gocaptec.com



Town Clerk

From: Town Clerk
Sent: Tuesday, March 4, 2025 11:00 AM
To: Karl Andersson
Cc: Permits; Karen Ostrand; George Ciaschi
Subject: FW: Town of Ocean Breeze

Hi Karl,

Council Member Ciaschi would like for you to attend an upcoming Town Council meeting to discuss property appraiser methods, etc. We thought it would be best to have you attend the budget workshop meeting which will be held in July 2025. The Town Council will soon be approving dates for all of the budget meetings and we will let you know the date of the workshop in July.

We look forward to seeing you in July and appreciate all your help!

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
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From: George Ciaschi <gCIASCHI@Townofoceanbreeze.org>
Sent: Monday, March 3, 2025 11:09 AM
To: Town Clerk <townclerk@townofoceanbreeze.org>
Cc: Permits <permits@Townofoceanbreeze.org>; Holly Vath <hvath3867@gmail.com>; Karen Ostrand <mAYOR@Townofoceanbreeze.org>
Subject: Re: Town of Ocean Breeze

perfect. Thank you as always.