

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

October 13, 2025, 6:00 p.m.
Ocean Breeze Resort Clubhouse Pineapple Bay Room
700 NE Seabreeze Way, Ocean Breeze, FL

PLEASE TURN OFF CELL PHONES – SPEAK DIRECTLY INTO MICROPHONE

CIVILITY GUIDELINES

- Complete one “Request to Speak” card for each Agenda item on which you wish to comment.
- All remarks shall be addressed to the Town Council as a body.
- There will be one speaker at a time, without interruption. Speakers will be limited to **3 MINUTES**.
- Anger, rudeness, ridicule, impatience, and lack of respect for others are unacceptable behaviors. Demonstrations to support or oppose a speaker or idea are not permitted.
- Persons who refuse to abide by reasonable rules of civility and decorum or ignore repeated requests by the President to finish their remarks within the time limit adopted by the Town Council, shall be removed from the meeting room at the President’s request.

1. Call to Order, President Docherty

- Pledge of Allegiance
- Roll Call

2. Approval of Minutes –

- Regular Meeting, September 11, 2025
 - Budget Workshop/Settting Tentative Millage Rate, July 16, 2025 (forthcoming)
 - Tentative Budget and Proposed Millage Rate Hearing, September 11, 2025 (forthcoming)
 - Final Budget and Proposed Millage Rate Hearing, September 24, 2025 (forthcoming)
- (Motion, second, public comments, all in favor)

3. Supervisor of Elections – Vicki Davis and Kherri Anderson

4. Selection of Council Member to participate on the Canvassing Board

(Motion, second, public comments, roll call)

5. Resolution #372-2025 – Recognizing Florida City Week

(Motion, second, public comments, roll call)

6. Seawalk Close-out Update – Leo Giangrande, PE Giangrande Engineering & Planning

7. Feasibility Study – Town Management Consultant, Dan Hudson

- 8. Second Reading Ordinance #369- 2025 AN ORDINANCE OF THE TOWN OF OCEAN BREEZE, FLORIDA PROVIDING FOR A PUBLIC REFERENDUM, A BALLOT SUMMARY, AND BALLOT LANGUAGE, AND INSTRUCTIONS TO THE SUPERVISOR OF ELECTIONS, AS PROVIDED IN TITLE IX, FLORIDA STATUTES, REGARDING A PROPOSAL TO CONTRACT THE BOUNDARIES OF THE TOWN OF OCEAN BREEZE CONSISTING OF THE “OCEAN BREEZE WEST PLANNED UNIT DEVELOPMENT, AS RECORDED IN OFFICIAL RECORDS BOOK 2981, PAGE 781, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA, MORE COMMONLY KNOWN AS THE “SEAWALK” COMMUNITY, WHICH INCLUDES 143 SINGLE FAMILY PROPERTIES AND ADJACENT COMMON AREA PROPERTY OWNED BY THE SEA WALK HOMEOWNERS’ ASSOCIATION, INC.; PROVIDING INSTRUCTIONS TO THE SUPERVISOR OF ELECTIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.**

(Motion, second, public comments, roll call vote)

- 9. Comments from the public on topics not on the Agenda – Candidate Forum**

- 10. Comments from the Council on topics not on the Agenda –**

- 11. Comments from Town Management Consultant, Dan Hudson**

- 12. Comments from Town Attorney, Gemma Torcivia**

- 13. Comments from Mayor Ostrand**

- 14. Announcements –**

- Monday, November 10, 2025, at 10:30 a.m. – Regular Town Council Meeting will be held at the Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze.
- Town Election will be held on November 4, 2025, at the Hoke Library located at 1150 NW Jack James Way, Jensen Beach. **POLLING TIMES will be 9:00 am – 7:00 pm.**
- **Canvassing Board Meeting, Wednesday, November 5, 2025, at 10:00 in the Maritime Room at Ocean Breeze Resort, 700 NE Seabreeze Way.**

- 15. Adjournment**

(Motion, second, all in favor)

TOWN OF OCEAN BREEZE
MINUTES REGULAR TOWN COUNCIL MEETING
Monday, September 11, 2025, 10:30 a.m.
Ocean Breeze Resort Clubhouse, Pineapple Bay Room
700 NE Seabreeze Way, Ocean Breeze, FL

1. **Call to Order** – President Docherty called the meeting to order at 10:30 a.m.
 - **Civility Guidelines** – President Docherty reviewed the Civility Guidelines.
 - **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, Matthew Squires
 - **Staff Present** – Town Management Consultant, Dan Hudson; Attorney Gemma Torcivia; Town Clerk, Pam Orr; Bookkeeper/Office Assistant, Wendy Price

2. **Approval of Minutes** – Vice President Kelley, seconded by Council Member Ciaschi made a **motion** to approve the minutes of the August 11, 2025 meeting.

President Docherty asked for comments from the Council.

There were none.

President Docherty asked for comments from the Public.

There were none.

(All in favor: Yes: Docherty, Kelley, Ciaschi, Galante, Heller; Squires No: None; **Motion passed 6-0**)

3. **In memoriam of former Town Council President, Ken De Angeles** – Mayor Ostrand shared some history of Ken's time as President on the Town Council and his life.

David Wagner, 124 NE Bay Drive, also shared some of his memories of Ken.

4. **Environmental Studies Center** – Council Member George Ciaschi introduced Valerie Gaynor and colleagues. She gave a presentation highlighting the Center's programs and benefits to its students and the community. They invited the public to attend the Open House event on October 11, 2025 from 10am to 1pm at 2900 NE Indian River Drive, Jensen Beach.

5. **Confirmation of Employment of Wendy Price** – Dan Hudson, Town Management Consultant, welcomed Wendy Price and presented her employment contract to the Town Council for approval.

Council Member Ciaschi, seconded by Vice President Kelly, made a Motion to confirm the appointment of Wendy Price as Bookkeeper/Office Assistant.

(Roll Call Vote: Yes: Ciaschi, Docherty, Kelley, Squires, Galante, Heller: No: None. **Motion Passed 6-0**)

6. **Traffic Circulation Memo** – Dan Hudson, Town Management Consultant, discussed the Indian River Crosswalks and stated that the project cost would be approximately \$75,000 and that the funding would come from the Town's gas tax revenue. He explained that the work would include both the crosswalks and the speed tables and outlined the procedure to move forward with the project.

President Docherty added that he would like to have 25 mph painted on the road and two 25 mph signs posted.

Town Management Consultant, Dan Hudson, responded that it would be subject to Martin County's approval.

Council Member Ciaschi requested that Sun Communities contribute to the funding of the two crosswalks, since they were between the Sun Community property.

Town Management Consultant, Dan Hudson, replied that he would ask.

Council Member Heller inquired about the balance in the Town's Gas Tax Fund. Pam Orr, Town Clerk, replied that it was approximately \$180,000.

Council Member Ciaschi, seconded by Council Member Janet Galante, made the motion to proceed with the Indian River Drive crosswalk renovation as described.

Dan Hudson, Town Management Consultant, outlined an option for improvement to the left turn exit from Ocean Breeze Plaza onto Skyline Drive. He recommended that the exit be aligned with Hilltop Street which would create a standard intersection.

Discussion ensued.

Mr. Hudson stated that no motion was necessary.

Mr. Hudson discussed making West end Boulevard one-way going northbound, and it would be a project under Martin County Emergency Management Local Mitigation Strategy. If the Council approved, it would be finalized and sent to Martin County. He added that there would be no commitment for funding from the Town.

Council Member Ciaschi, seconded by Council Member Galante made the Motion to submit the redirection of the West End Boulevard as a Local Mitigation Strategy Project.

(All in favor: Yes: Docherty, Kelley, Ciaschi, Galante, Heller; Squires; No: None: **Motion passed 6-0**)

7. Contraction (aka Deannexation) of Seawalk – Town Management Consultant, Dan Hudson, discussed the feasibility study. He explained that if this proceeded, an Ordinance would be prepared, there would be an election and some specific advertising would be required. He continued that the final decision would be reached by registered voters only within the Seawalk Community and that the effective date would most likely be December 31, 2025. Mr. Hudson continued that the cost of professional services should be within the existing budget and there would be no need to secure additional consultants. The Town attorney and staff would draft the ordinance, guide the procedure and prepare the feasibility study. He added, if necessary, the Town Engineer would prepare a revised legal description of the Town limits.

President Docherty asked for comments from the Council.

Vice President Kelly requested that the Contraction (aka Deannexation) of Seawalk be added to the October agenda so that additional Seawalk homeowners could be present to voice their opinions and that a representative from Martin County be present to explain their involvement in the transition.

Mr. Dan Hudson responded that if the Council decided to go forward, that a motion would be necessary to draft the ordinance. He commented that the Town could ask Martin County to be present at a follow-up meeting, as they understand the discord within the Town.

Council Member Ciaschi commented that these issues had been going on for a year and recommended that Seawalk residents do their own research to learn the facts to know what they might be giving up.

Council Member Ciaschi, seconded by Council Member Squires, made a motion for the Town Attorney to draft a Contraction Ordinance pertaining to the municipal boundaries of Seawalk in accordance with Florida Statute 171.051, with a tentative effective date of December 31, 2025.

Attorney Torcivia clarified that it was a Town ordinance and that it would be subject to two readings, which translated to two affirmative votes by the Council to move forward. She clarified that the voters of Seawalk would have two choices, either to vote for the annexation, or against it, and that a majority vote was required. She continued that if the majority vote was against annexation, then the entire community would not be eligible for another contractual ordinance for two years from the date of the referendum.

Discussion ensued.

President Docherty asked for public comments.

Melissa Heller, 2760 NE Breezeway Circle, expressed her concern with the unresolved issues with the Developer, and close-out of the infrastructure permit at Seawalk.

Joseph Beert, 2850 NE Breezeway Circle, expressed his concern about Seawalk remaining part of the Town, because if they lost their representation on the Council at the next election, the mileage rate and future taxes could go up. He also questioned how it would affect the businesses in Ocean Breeze Plaza.

Dana Pace, 193 NE Buoy Drive, stated that she understood how the residents of Seawalk would like to leave the Town of Ocean Breeze, but The Town paid over \$2000 in lawyer's fees and commented that they are getting free land and now there would be a cost to deannex it.

The Mayor responded that it is not free, the residents of Seawalk pay taxes to the County.

Discussion ensued.

(Roll Call Vote: Yes: Docherty, Squires, Ciaschi, Kelley, Heller, Galante No: None; **Motion passed 6-0**)

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

Melissa Heller, 2760 NE Breezeway Circle, stated that it had been 194 days since the Town Council called the bond and that the developer had not provided a written plan or proposal to correct irrigation, grading or the preserve area management plan. She added that there were still several items that needed repair and others that had not been repaired properly. She asked to have the Bond company send a responsible, competent contractor to finish the work at Seawalk.

Tom Campenni, Stuart Florida, announced that on September 9, 2025 from 4:30pm – 6:00pm at J. Michaels Tavern and Grille that the Martin County Taxpayers Association would be holding a Town Hall discussion regarding how to change or replace property taxes.

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

President Docherty requested that a motion be made to look at Ordinance #348-2024, including noise, and consider reducing the decibels within the Town.

Discussion ensued.

Mayor Ostrand recommended waiting until the Town received the report from Publix regarding the decibel levels, before making a decision to change Ordinance #348-2024.

President Docherty commented that he attended the Treasure Coast Regional League of Cities meeting who had a speaker from the South Florida Water Management District. He added that all residents of Martin County and the Town of Ocean Breeze could have guided tours of the reservoirs.

Council Member Heller suggested that to save time and money the security detail at Ocean Breeze Plaza not patrol the plaza when it was closed. He also inquired if there had been any progress on the train horns.

Town Management Consultant, Dan Hudson, stated that he did not think it would be approved due to the proximity of Jensen Beach Blvd. but that he would get clarification for the next meeting.

Council Member Heller stated that in the past six months the Developer had not yet provide a proposal for the items that needed to be fixed within Seawalk. He stated that if the Town needed to file a lawsuit against the bond company to compel them to do their job, then so be it. He continued that he would like to make a motion to have the bond company send in contractors to finish the repairs.

Discussion ensued.

President Docherty asked for comments from the public.

Melissa Heller, 2760 NE Breezeway Circle, stated that whatever work needed to be fixed in order to comply and for the Town to close the permit, it needed to happen. She commented that the fact that the Developer was not getting it right the first time had left the residents of Seawalk with a price to pay in the long term. She continued that this was not in regard to Seawalk residents being unhappy that they didn't do good work, it is about the Town's Engineer saying the work was not adequate and technically not sufficient to meet the Town's requirements. She pointed out that this needed to come to some conclusion.

Discussion ensued.

Town Attorney, Gemma Torcivia, commented that the Town could send a demand letter and call the bond formally, and if they don't comply the Town could take action against them and the Town reserves it right to bring litigation.

Pam Hurlock, 2840 NE Breezeway Circle, stated she would like to move forward with calling the bond.

Council Member Heller, seconded by Vice President Kelley, made a motion to call the bond.

Council Member Ciaschi asked for clarification on the financial liability for the Town if they proceeded with calling the Bond.

Attorney, Torcivia, stated she would have a better idea on cost at the next budget meeting.

Discussion ensued.

(Roll Call Vote: Yes: Heller, Docherty, Kelley, Squires, Ciaschi, Galante; No: none; **Motion passed 6-0**)

10. Comments from Town Management Consultant, Dan Hudson

There were none.

11. Comments from Town Attorney, Gemma Torcivia-Attorney Torcivia stated that as she and Mr. Hudson spoke with Martin County regarding the deannexation, they would let the Council know if it will be on the agenda for first reading for the second budget meeting or the October meeting.

12. Comments from Mayor Ostrand-Mayor Ostrand announced that there would be another legislative meeting at the end of October.

13. Announcements – The following meetings will be held at the Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze:

- Thursday, September 11, 2025, at 6:00PM – Public Hearing for Setting of Tentative Millage Rate & Budget for FY 2025/2026
- Wednesday, September 24, 2025, at 6:00PM – Public Hearing for Adoption of Final Millage Rate and Budget for FY 2025/2026
- Monday, October 13, 2025 at 6:00PM – Regular Town Council Meeting
- Town Election will be held on November 4, 2025, at the Hoke Library located at 1150 NW Jack James Way, Jensen Beach. **POLLING TIMES will be 9:00am – 7:00pm**

14. Adjournment – Council Member Squires, seconded by Vice President Kelly made a motion to adjourn the meeting at 12:55 p.m.

Respectfully Submitted,

Pam Orr
Town Clerk

Minutes approved: _____



RESOLUTION NO. 372-2025

A RESOLUTION OF THE TOWN OF OCEAN BREEZE, FLORIDA RECOGNIZING FLORIDA CITY WEEK, OCTOBER 20-26, 2025 AND ENCOURAGING ALL CITIZENS TO SUPPORT THE CELEBRATION AND CORRESPONDING ACTIVITIES

WHEREAS, city government is the government closest to most citizens, and the one with the most direct daily impact upon its residents; and

WHEREAS, municipal government provides services and programs that enhance the quality of life of residents, making their city their home; and

WHEREAS, city government is administered for and by its citizens, and is dependent upon public commitment to and understanding of its many responsibilities; and

WHEREAS, city government officials and employees share the responsibility to pass along their understanding of public services and their benefits; and

WHEREAS, Florida City Government Week offers an important opportunity for elected officials and city staff to spread the word to all citizens of Florida that they can shape and influence this branch of government; and

WHEREAS, the Florida League of Cities and its member cities have joined together to teach citizens about municipal government through a variety of activities; and

NOW THEREFORE BE IT RESOLVED BY THE TOWN OF OCEAN BREEZE AS FOLLOWS:

Section 1. That the Town of Ocean Breeze encourages all citizens, city government officials and employees to participate in events that recognize and celebrate Florida City Government Week.

Section 2. That the Town of Ocean Breeze does encourage educational partnerships between city government and schools.

Section 3. That the Town of Ocean Breeze supports and encourages all Florida city governments to actively promote and sponsor "Florida City Week."

PASSED AND ADOPTED this ____ day of _____, 2025.

Karen M. Ostrand, Mayor

Kevin Docherty, President

CORRECT AS TO FORM:

Gemma Torcivia, Town Attorney

ATTEST: _____
Pam Orr, Town Clerk



Review Memorandum

Date: October 5, 2025
To: Town of Ocean Breeze
From: Leo Giangrande, P.E.
Subject: Seawalk Deficiency Memorandum-Summary of 9/30/2025 Web-ex meeting
GEP No.: 24-034

Distribution: Town File

This review memorandum is provided as a summary of the deficiency web-ex meeting exhibit on September 30, 2025. The meeting was attended by Town staff, Forestar and Chubb Insurance corporation. GEP represents the Town of Ocean Breeze to close out the Seawalk development PUD. The following items were identified in the meeting:

1. Grouting of stormwater catch basins was performed but not accepted due to gaps and cracking from the new repairs. Repairs to be addressed this week. Forestar to provide a report (list or map) of all drains inspected and note which were repaired.
2. Asphalt sections with cracking needs to be repaired. Confirm location.
3. Hydraulic fluid was mostly removed with a solvent and power washing. GEP confirmed the removal of the hydraulic fluid however the asphalt was wet due to rain and will review repaired section again in dry condition to verify that the asphalt is degraded by the removal process.
4. Forestar removed existing H/C walk that has new cross street connection. Contractor to verify the removal and sod replacement will provide irrigation from the neighboring resident. Forestar to bring in fill to ensure new sod is level with adjacent sod. Existing sprinklers on adjacent grass to be slightly adjusted to ensure full coverage of new sod.
5. Several sections of replaced curb have been cracked during some other recent repairs. Sections were identified to be replaced. Still pending schedule (new curbing was put in earlier this week at main entrance)
6. GEP to review Forestar to provided grading plan for Ms. Raver's property for permitting of regrading.
7. Forestar to provide clarification on PAMP revision per EW Consultants advice. Exotic vegetation shall be removed per the PAMP or PAMP should be revised to permit existing species.
8. Regrade and stabilize all retention areas and common area behind westernmost side of Breezeway Circle.
9. Relocated Do Not Enter sign by back gate. GEP to confirm sign is relocated and an additional certification by McKenzie Engineering is not required.
10. Enlarge turnaround at western entrance.
11. Gate function was damaged during recent curb repairs. Gate to be repaired once asphalt and curbs have been repaired Note: HOA paid to repair this gate as we need our entrance closed and secured; invoice paid was \$749.



12. Forestar to provide plan from Dixie Landscaping on how to address the site irrigation and provide a map of where previously quoted plantings will go. All landscaped areas will need to be irrigated. This may require a PUD amendment.

GEP will continue to support the town until the PUD is properly constructed and closed out.

Should you have any further questions on this, please do not hesitate to contact me at (772) 888-9076 or Leo@GEP-LLC.com.

To: Mayor & Council Members
From: Dan Hudson, Town Management Consultant
Subject: Contraction Feasibility Study
Date: Council Meeting – October 13, 2025

Summary: The attached Feasibility Study meets the requirements of Florida law governing contraction / deannexation.

- 1. If the Council believes the Seawalk PUD matter may be resolved in a timely manner, then a motion to accept the findings of the Feasibility Study would be in order.**
- 2. If the Council believes the Seawalk PUD matter may NOT be resolved in a timely manner, then the Council may defer any action at this time, and reserve its right to reconsider in the future.**

The Town Council is presently considering the contraction of the municipal boundaries in order to deannex the residential areas west of the FEC Railway, commonly called Seawalk. A Feasibility Study has been prepared addressing the strategic and tactical considerations [final draft is attached].

FINDINGS

The Feasibility Study concludes that the present situation came to light after Seawalk was developed. Given the concerns voiced by Council members and residents of Seawalk, it is prudent to submit the question to voters and allow them to decide. This is based upon the following findings:

1. Urban services for Seawalk are limited, noting that the development did not reserve any land for public facilities.
2. There is a lack of contiguity due to the FEC Railway being a real and substantial barrier separating the two neighborhoods.
3. There is a lack of common civic identity, with the lifestyles of the two small neighborhoods being materially different.

ISSUES

There are two interrelated issues remaining:

1. The closeout of the Seawalk PUD remains uncertain. These issues are addressed separately by Giangrande Engineering & Planning.
2. The effective date of the contraction remains uncertain while the Seawalk PUD remains open.



TOWN OF OCEAN BREEZE CONTRACTION / DEANNEXATION FEASIBILITY STUDY

Prepared By Dan Hudson
Dan Hudson Consulting, LLC
October 2025

INTRODUCTION

Seawalk residents have asked for relief from paying taxes into the Town of Ocean Breeze (Town). Residents have expressed that the Seawalk neighborhood is paying an inequitable share of taxes in support of the Town. Residents have also questioned whether services provided directly by the Town are beneficial to the neighborhood.

One method of resolving the questions would be to deannex Seawalk. Florida law provides a procedure for deannexing property from a municipal boundary. The procedure for municipal contraction¹ is defined in Florida Statutes 171.051.

The Town Council considered the matter on September 8, 2025. At that time the Council voted to proceed with drafting an ordinance for contraction with a tentative effective date of no later than December 31, 2025.

There are details and policy decisions which need to be developed through this feasibility study. It is reasonable to believe that contraction can be considered on an informed, thoughtful, and timely basis. Similarly, it is reasonable to believe that the Town of Ocean Breeze can continue to operate without the Seawalk neighborhood.

Update: October 13, 2025

First, the Town Council approved the contraction ordinance on first reading on September 24, 2025. However, several Council Members expressed concerns that the contraction cannot move forward if the Seawalk PUD closeout matters are not satisfactorily completed in time for the second reading. The second reading is scheduled for October 13, 2025. (Please see alternative second reading options on the following pages.

Second, Martin County has been informed of the Town's direction and pertinent documents have been provided. As of this writing, Martin County has not commented regarding the contraction.

Third, transfer of the bond to Martin County is deemed unlikely due to a requirement of consent from all parties (reference Scenario 2 on page 4).

¹ Please note the law defines the procedure as "contraction" however, contraction and deannexation are used synonymously.

DISCUSSION

The contraction law requires a feasibility study, which can address policy questions. Most of these are straightforward answers which simply need compiling into a report with recommendations. However, some involve important policy decisions, such as the effective date and the Ocean Breeze West Planned Unit Development (aka Seawalk PUD) closeout.

Background

The proposed contraction area remained vacant from the time the Town was incorporated as a municipality in 1960. In 2018 the property was sold to Forestar (USA) Real Estate Group, Inc., an affiliated corporation with DR Horton. Since then the property has been fully developed into a 143 single family home neighborhood.

Boundary

The proposed contraction area includes all residential properties within the Town limits which are west of the Florida East Coast Railway property (FEC). This includes the 143 single family homes, plus the common areas and roads which are owned by Seawalk Homeowners' Association, Inc. It also includes the single family home located at 1562 NE South Street which would become an "orphan" and would no longer be contiguous with the Seawalk community. See Attachment A. For ease of reference, these are all referred to as "Seawalk" in this report.

Effective date

A central issue is the effective date of the proposed contraction.

Recommended effective date: December 31, 2025.

If the contraction can be completed by December 31, 2025, the pending tax bills coming due in November 2025 will be the final taxes paid by Seawalk owners to the Town. Both the valuation and taxing authority status of properties for the future will be based upon conditions as of January 1, 2026.

Contracted properties would be subject to Martin County unincorporated area taxes for Fiscal Year 2026-2027². These taxes would become due in November 2026, along with those of all other taxing authorities.

Taxes collected and budgets approved for Fiscal Year 2025-2026 remain in place.

Alternative second reading options:

It is noteworthy that there is uncertainty as to whether the Seawalk PUD open items can be either closed or a methodology established to oversee the closure. Given the uncertainty, several options may be considered:

² Specifically the Town levy would go away and be replaced by MSTU Stormwater / Roads, MSTU Parks & Recreation, and District One MSTU levies.

- a. Postpone the second reading to a special meeting in two weeks. This allows some additional time to resolve the open item. It potentially retains the preferred effective date of December 31, 2025. This option may be considered if there is reasonable evidence of resolving the open items in the near term.
- b. Approve the second reading with a future effective date in 2026. This provides generous additional time for the closeout. The suggestion is for either June 30, 2026, or December 31, 2026. This option retains the Seawalk community for tax purposes into the Fiscal Year 2026-2027 budget year; owners would continue to pay taxes into the Town through the November 2026 tax bills.
- c. Delay final action on the contraction ordinance to a future date in 2026. This supposes the Seawalk PUD will be closed first, then contraction will be addressed.

Referendum

A calendar has been devised in cooperation with legal counsel and the Supervisor of Elections. There are legal, advertising, and practical considerations.

It is recommended to hold the contraction referendum be held in a special election on December 16th. Only Seawalk registered voters and the adjacent orphaned lot will be eligible to vote. The Town has the option of conducting by in-person vote or by mail-in vote. It should be noted that the mail-in ballot has less cost and is more convenient.

If approved, the contraction can follow the outline contained in this study. In the event the referendum fails, then it cannot be brought up again for two years.

How will the Seawalk PUD closeout be affected?

The Seawalk PUD permit closeout is an issue to the proposed contraction. There is an open permit for infrastructure and related matters because certain open items have not been completed to the satisfaction of the Town³. For the purpose of contraction, these open items need to be either closed or a methodology established to oversee the closure.

Chubb Insurance issued a \$3.9 million bond in 2018 to assure that Forestar “fully performs its obligations.” The Town sent a letter to Chubb Insurance in April 2025 asking Chubb to intervene on the open items. Chubb has in fact engaged Forestar, and Forestar has responded to some degree. Still, open items remain and the Town Council, on September 8th, directed a letter to Chubb placing a demand deadline for the items to be completed.

There are three possible outcomes which could occur in order to meet the suggested December 31, 2025 effective date.

³ These are documented elsewhere and not recited here because it is an evolving list.

Scenario 1: Work is completed satisfactorily.

Under this scenario, Council would consider a Final Minor PUD Amendment based upon work completed as of October 31, 2025. In conjunction with this, Council will consider a request by Forestar to correspondingly reduce the outstanding bond. This would occur at the November 10, 2025 Council meeting.

Scenario 2: Bond is transferred to Martin County⁴

If the work is not completed satisfactorily, then an option would be to transfer the bond to Martin County for final enforcement, in order to meet the suggested effective date of contraction of December 31, 2025. This could occur at either the November or December Council meetings, but can only happen with the concurrence of Westchester Insurance Co. (Chubb) and Forestar. Otherwise, a new bond would have to be issued to Martin County if later required by the County, and allowed by law.

Scenario 3: Chubb pays claim

Another possibility is that Chubb will respond positively to the latest demand and propose a financial settlement. Although this is not considered likely, it would probably be the most direct route to conclude the matter. Chubb would likely minimize its exposure and the Council would need to either accept or reject the proposed settlement.

Coordination with Martin County

The Town Comprehensive Plan, Intergovernmental Coordination Element Policies 1.5 & 1.6 requires coordination with Martin on annexation matters.

General

The decision to deannex Seawalk rests exclusively with the Town and the Seawalk residents. There is no reason to believe that Martin County officials would either favor or disfavor the change.

Transition plan for waste management

Seawalk is working on a waste contract renewal which is expected to include an exit clause in the event the contraction occurs.

Martin County operates its program on an unincorporated area-wide solid waste assessment ordinance. All single family homes are subject to the assessment. The assessment is different from taxes⁵, but is collected on the annual tax bill.

The solid waste assessment operates on a fiscal year basis. Therefore, Seawalk residents will become subject to the assessment effective October 1, 2026 and it will appear on the November 2026 tax bills. During the transition period from January 1, 2026 through

⁴ This scenario is deemed unlikely.

⁵ Solid waste is levied through a special non-ad valorem assessment. It is collected through what is called the Uniform Assessment Collection Methodology found in Florida Statute 197.3632. This allows it to be collected on the property owners tax bill.

September 30, 2026, the Seawalk residents will likely pay their existing fees to Waste Pro through the HOA, unless other arrangements are made with the County. The recommendation is to continue current arrangements through September 30, 2026. Otherwise it will involve a complicated partial year assessment.

Land use and zoning

The Seawalk PUD establishes the single family home character of the neighborhood. Since Seawalk is built out, there is no reason to change the zoning. It is noted that there is a "sister" neighborhood with similar homes, lot sizes, and developed by the same builder located just south of Seawalk in Martin County's District One. The neighborhood called Sabal Pointe carries R-2 zoning, indicating single family residential.

Sabal Pointe also carries a Future Land Use designation of Low Density (up to 5 units per acre). Again, Seawalk is built out so there is no reason to initiate a Land Use change.

Seawalk Preserve Area Management Plan (PAMP)

PAMPs have been a feature of Martin County since its first comprehensive plan in the late 1980s. Each one is unique to a specific geographic area but all are founded on the basis of preserving and maintaining certain land for environmental purposes. The Seawalk PAMP is similar to Martin County standards and there should be no transitional requirements. Seawalk is recommended to continue its current PAMP practices.

Electric Utility Tax Collection.

The Town Council recently adopted a new electric utility tax. It is expected to begin collection on January 1, 2026. Martin County already collects a similar fee at the same rate, so effectively it will be no different for residents.

It is recommended that the Town closely analyze the first few months of collection and be prepared to transmit all monies collected from within Seawalk to Martin County. If the contraction is approved by voters, only at that time will FP&L be informed of the change. Staff will need to coordinate with FP&L for at least the first quarter of calendar 2026, or until FP&L is able to adjust its billing and payments to the County.

Sunsetting and replacement of Council Members residing in Seawalk

The Town Charter requires that Council Members be "residents of the Town..."⁶ Therefore any Member who is a resident of Seawalk will automatically cease serving as of the effective date of the contraction.

There is one Seawalk resident Council Member serving a 2024-2026 term. The annual Council Member election for the 2025-2027 cycle is scheduled for November 4, 2025. Three seats are open and seven candidates have qualified. Those elected will be sworn in on December 8, 2025. Therefore, at least one seat and potentially up to three additional will be subject to sunset as a result of contraction.

⁶ Town Charter Article II, Section 2.01

The Town Charter provides that the remaining Council Members may appoint a replacement member by majority vote⁷ in order to fill a vacant seat. If the number of Members falls below a quorum those remaining may fill seats by a majority vote, or they may choose to hold a special election.

Special recommendation concerning six Council seats.

The Town Charter establishes six Council Members. It is highly unusual to have a legislative body with an even number of members. Given that at least one seat will become vacant through contraction, this would be an ideal time to transition toward a five member Council.

A change in the Council composition will require a Charter referendum. This may be accomplished simply by holding one seat vacant until the November 2026 general election when a Charter amendment may be submitted to the voters.

This decision is best reserved for the future once the outcome of the contraction vote is known. However, it should be considered as part of the transition if contraction is approved.

Fiscal impact to Seawalk property owners

Seawalk residents will become subject to additional Martin County programs, notably the Roads & Stormwater MSTU, the Parks and Recreation MSTU, the District One MSTU, and the Solid Waste Assessment. Law enforcement, Fire-Rescue, and Utilities services are already provided through existing arrangements. Likewise the Martin County unincorporated area is already subject to a six percent electric utility, so that remains unchanged.

It is not practical to predict future County budgets. This estimate is based upon the tentatively approved budgets for FY26. This comparison provides a “what if” scenario if Seawalk were in District One this budget year:

	SEAWALK	MARTIN DISTRICT ONE
PROPERTY TAX RATE	0.7665 MILL	0.7862 MILL
PROPERTY TAXES	\$ 262.18	\$ 268.92
WASTE COLLECTION ⁸	\$ 311.21	\$ 464.37
TOTAL	\$ 573.39	\$ 733.29

Without comparing services, it is worth noting that Martin County has a robust solid waste program which includes twice weekly garbage pickup, weekly recycling pickup, and weekly yard waste pickup.

⁷ Town Charter Article II, Section 2.07 B)

⁸ A five percent increase in Seawalk waste rates is estimated. Martin County rate has been adopted.

Fiscal impacts to the Town

The revised tax roll⁹, combined with the newly adopted electric utility tax, will support the budget for Town operations at a millage rate of about 4.0 mills for Fiscal Year 2026-2027. This will provide the revenue stream for the Town without further reducing the cash reserves.

The Town millage rate was 6.3826 for the Fiscal Year 2018-2019 budget. After that time, the Town began using its cash reserves to balance the annual budget. Therefore, the combination of property taxes and utility taxes are seen as comparable to recent historic levels.

FINDINGS FOR DEANNEXATION CONSIDERATION

Urban Services are limited

There are numerous public comments from both residents and Council Members that the Town does not provide municipal services to Seawalk. It is noteworthy that no land was reserved from the Seawalk PUD for ordinary civic purposes such as a Town Hall or parks. The Seawalk community pretty much takes care of itself as far as urban services. Though its active Homeowner's Association many of the typical urban services are provided by the County or a private provider.

Contiguity

The FEC railway also presents a real and substantial barrier separating the resort neighborhood from the newly developed Seawalk neighborhood. This raises the issue of whether the Seawalk community is contiguous to the remainder of the Town. The existing boundary dates to the origin of the Town. However, if it were to be proposed for annexation today it would likely fail the test for contiguity due because there are no grade crossings or bridges across the railway right of way. Even to attend Town Council meetings, residents must leave the Town and travel through the County to arrive at a separate gated community. The railway presents a real barrier to the Sea Walk community's ability for "fully associating and trading with each other, socially and economically" vis-a-vis the rest of Ocean Breeze, as the term is used for communities being "contiguous" in the annexation law.

Lack of a common civic identity

The differences between the two residential neighborhoods is too pronounced. The small population, the two completely different lifestyles, and the physical separation of the railway all combine to prohibit a common sense of community found in other municipalities.

CONCLUSION

The present situation came to light after Seawalk was developed. In light of the concerns voiced by Council members and residents of Seawalk, it is prudent to submit the question to voters and allow them to decide.

⁹ Future property taxes will be based upon the tax roll for the Ocean Breeze Resort and the Ocean Breeze Plaza.





SECOND READING VERSION (v3)

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

ORDINANCE No. 369-2025

AN ORDINANCE OF THE TOWN OF OCEAN BREEZE, FLORIDA PROVIDING FOR A PUBLIC REFERENDUM, A BALLOT SUMMARY, AND BALLOT LANGUAGE, AND INSTRUCTIONS TO THE SUPERVISOR OF ELECTIONS, AS PROVIDED IN TITLE IX, FLORIDA STATUTES, REGARDING A PROPOSAL TO CONTRACT THE BOUNDARIES OF THE TOWN OF OCEAN BREEZE CONSISTING OF THE "OCEAN BREEZE WEST PLANNED UNIT DEVELOPMENT, AS RECORDED IN OFFICIAL RECORDS BOOK 2981, PAGE 781, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA, MORE COMMONLY KNOWN AS THE "SEAWALK" COMMUNITY, WHICH INCLUDES 143 SINGLE FAMILY PROPERTIES AND ADJACENT COMMON AREA PROPERTY OWNED BY THE SEA WALK HOMEOWNERS' ASSOCIATION, INC. ALONG WITH AN ADDITIONAL PARCEL OF LAND BEING A PORTION OF LOT 99 LYING IN THE UNRECORDED PLAT 4 OF JENSEN HIGHLANDS, AS FURTHER DESCRIBED HEREIN; PROVIDING INSTRUCTIONS TO THE SUPERVISOR OF ELECTIONS; PROVIDING AN APPROPRIATION OF FUNDS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, over the passage of time, the needs and wants of the residents living in the Ocean Breeze West (Sea Walk) Planned Unit Development as recorded in Official Records Book 2981, Page 781, public records of Martin County, Florida, consisting of 143 single family homes and adjacent community property owned by the Sea Walk Homeowners' Association, Inc., have become disparate from the remainder of the Town; and this has become very apparent to the Town Council during the summer of 2025 especially during the annual budget and taxation hearings and meetings held prior to adoption of the tax levy and annual budget for the 2026 fiscal year; and

WHEREAS, the Town Council seeks to achieve a goal of creating harmony both inside

SECOND READING VERSION (v3)

Ordinance No. 369-2025

Referendum Election Regarding Contraction (Deannexation) of SeaWalk Community
Town of Ocean Breeze, Florida

and outside its municipal boundaries; and

WHEREAS, the Town Council has considered the needs of the entire Town including the Ocean Breeze West (SeaWalk) Planned Unit Development, and those citizens of the Sea Walk community seeking the contraction of the Town boundaries, along with one (1) additional lot known as a part of Lot 99 in the unrecorded Plat 4 of Jensen Highlands as further described in **Exhibit A** attached hereto and made a part hereof. The Town Council finds that it is appropriate to call for a referendum election for the SeaWalk residents and that certain part of Lot 99 to decide if a majority of the qualified voters in the Sea Walk community and part of Lot 99 desire to contract their boundaries and effectively “deannex” from the Town. The Town Council specifically finds that without the Sea Walk community, that portion of Lot 99 further described herein is no longer contiguous with the Town.

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

SECTION 1: **Recitals.** The above recitals are true and correct and by reference are incorporated herein as if set forth below, and are adopted as the findings of the Town Council as the reason and purpose for this ordinance.

SECTION 2. **Referendum Election Called.** There is hereby called a public election to be held in the Town of Ocean Breeze for the members of the Ocean Breeze West (Sea Walk) Planned Unit Development on December 16, 2025 at a location to be announced by the Martin County Supervisor of Elections. The Martin County Supervisor of Elections is requested to conduct such election, and to canvass the ballots as done for a state or county election. The ballot summary and question in Section 3 of this ordinance shall be placed on the ballot, and only the qualified voters of the Ocean Breeze West Planned Unit Development, and the land described in Exhibit A, as provided in Chapter 171, Part I, Florida Statutes, and herein shall be eligible to vote on such matter.

SECTION 3: **Ballot Summary and Ballot Language.** The form of the question on the ballot for the December 16, 2025 referendum election shall be as follows:

SECOND READING VERSION (v3)

Ordinance No. 369-2025

Referendum Election Regarding Contraction (Deannexation) of SeaWalk Community
Town of Ocean Breeze, Florida

BALLOT TITLE AND SUMMARY:

**DEANNEXATION (CONTRACTION) OF THE SEA WALK
COMMUNITY AND PART OF LOT 99 FROM THE TOWN OF OCEAN
BREEZE**

If approved, the residents of the Ocean Breeze West (Sea Walk) Planned Unit Development and part of Lot 99, Jensen Highlands will “deannex” or contract from the Town of Ocean Breeze, as some residents in Sea Walk community have asked the Ocean Breeze Town Council. This measure allows such a proposition to be approved by the voters of the Sea Walk community and adjacent lot, to be effective at 11:59 P.M. on December 31, 2025.

SECOND READING VERSION (v3)

Ordinance No. 369-2025

Referendum Election Regarding Contraction (Deannexation) of SeaWalk Community
Town of Ocean Breeze, Florida

BALLOT LANGUAGE:

**Shall Ocean Breeze West “SeaWalk” PUD and part of Lot 99 deannex from
the Town?**

_____ **For deannexation**

_____ **Against deannexation**

SECTION 4: Instructions to the Supervisor of Elections. The Martin County Supervisor of Elections is requested to do all things required to conduct this election, including to provide for creation and notice of the ballot, the provision of voting machines, tabulation of the ballots, canvassing of the ballots, and public reporting of the election results. The Supervisor shall appoint inspectors and election clerks necessary for the election, and participate in the canvass of the ballots with the County Judge and other members of the County’s Canvassing Board, and shall report the findings by Informal Election Results to the Town Council at or before a Special Meeting of the Town Council on December ___, 2025.

SECTION 5: Appropriation of Funds. The Town Council hereby appropriates an amount not to exceed \$1,000.00 for the conduct of this election to be paid from the General Fund of the Town.

SECTION 6: Conflicts. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7: Severability. If any section, sentence, clause, phrase or word of this ordinance is for any reason declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this ordinance and the remaining portions shall be deemed and held to be valid.

SECTION 8: Effective Dates. This ordinance shall take effect immediately upon adoption, and the date of any contraction approved by the voters shall be on December 31, 2025 at 11:59 PM.

PASSED on first reading on the _____ day of September, 2025.

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

SECOND READING VERSION (v3)

Ordinance No. 369-2025

**Referendum Election Regarding Contraction (Deannexation) of SeaWalk Community
Town of Ocean Breeze, Florida**

KEVIN DOCHERTY, COUNCIL PRESIDENT
SANDY KELLEY, COUNCIL VICE PRESIDENT
GEORGE CIASCHI, COUNCIL MEMBER
JANET GALANTE, COUNCIL MEMBER
MICHAEL HELLER, COUNCIL MEMBER
MATTHEW SQUIRES, COUNCIL MEMBER

YES	NO	ABSENT	ABSTAIN

121

122 ADOPTED on second and final reading this _____ day of _____, 2025.

123 ATTEST:

124

125

126 _____
127 PAM PARISI ORR
128 TOWN CLERK

KAREN R. OSTRAND
MAYOR

129 APPROVED AS TO FORM
130 AND CORRECTNESS:

131

132

133

134 _____
135 GEMMA TORCIVIA
136 TOWN ATTORNEY

Ordinance No. 369-2025

Referendum Election Regarding Contraction (Deannexation) of SeaWalk Community
Town of Ocean Breeze, Florida

EXHIBIT A

BEING A PORTION OF LOT 99, AND THAT PART OF HIGHLANDS AVENUE LYING
SOUTHERLY OF THE SOUTH RIGHT OF WAY LINE EXTENDED OF SOUTH
STREET AS SHOWN ON THE UNRECORDED PLAT 4 OF JENSEN HIGHLANDS,
SECTION 22, TOWNSHIP 37 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA
AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT MONUMENT MARKING THE CENTER OF SAID SECTION 22,
THENCE ALONG THE SOUTH LINE OF THE AFORESAID UNRECORDED PLAT 4
AND THE SOUTH LINE OF THE NORTHWEST ¼ OF SAID SECTION 22, NORTH 89°
58' 28" WEST, A DISTANCE OF 998.56 FEET TO THE POINT OF BEGINNING OF THE
HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUING ALONG SAID
SOUTH LINE, NORTH 89° 58' 28" WEST, A DISTANCE OF 106.44 FEET; THENCE
DEPARTING SAID SOUTH LINE, NORTH 00° 05' 54" EAST, A DISTANCE OF 160.31
FEET TO THE WESTERLY EXTENSION OF THE SOUTH RIGHT OF WAY LINE OF
SAID SOUTH STREET; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE
SOUTH 89° 57' 52" EAST, A DISTANCE OF 106.44 FEET; THENCE DEPARTING SAID
SOUTH RIGHT OF WAY LINE, SOUTH 00° 05' 53" WEST, A DISTANCE OF 160.30
FEET TO THE AFORESAID SOUTH LINE OF SAID UNRECORDED PLAT 4 AND THE
POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL.

PCN: 22-37-41-000-00405.10000

1562 NE South Street, Jensen Beach, Florida 34357

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. Demand Letters to Chubb Insurance



Town of Ocean Breeze

September 12, 2025

Via Email: dpopeil@chubb.com

Derek A. Popeil, Esquire
Vice President & Surety Claims Manager, Surety Claims North America
Chubb Insurance
202B Halls Mill Road
Whitehouse Station, NJ 08889-1650

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

Dear Mr. Popeil:

At its Regular Town Council Meeting of September 8, 2025, the Town Council directed you be advised of the Town's further and final demand regarding the failure of Forestar (USA) Real Estate Group, Inc. and D.R. Horton, Inc. to complete the SeaWalk Planned Unit Development in the Town of Ocean Breeze.

Forestar (USA) Real Estate Group, Inc. has continually failed to satisfactorily complete the infrastructure within the Town of Ocean Breeze, as was required no later than March 13, 2020. We believe you have all of the information required to complete this claim and this project, including most importantly the Town's Resolution No. 359-2025. Today, I am attaching the "matrix" which shows what was believed to be the status of the project as of August 18, 2025, as advised by the Town's Consulting Engineer.

You are advised the Town Council is now demanding you take over the project pursuant to the above Bond, and immediately require Forestar (USA) Real Estate Group, Inc. to complete the work within thirty (30) days of your receipt of this letter, or take other action acceptable to the Town to complete the project, or the Town will begin appropriate legal action to assure completion of the project against Forestar, D.R. Horton, Chubb, and the bonding company.

You are further advised the Town has paid \$104,041.75, as of August 31, 2025, in attorney's and engineer's fees and costs in an effort to have Forestar (USA) Real Estate Group, Inc.

*P. O. Box 1025 • Jensen Beach, FL 34958
Office: 772-334-6826 • Fax: 772-334-6823
email: townclerk@townofoceانبreeze.org • website: townofoceانبreeze.org*

September 12, 2025

Mr. Derek Popeil

Chubb Insurance

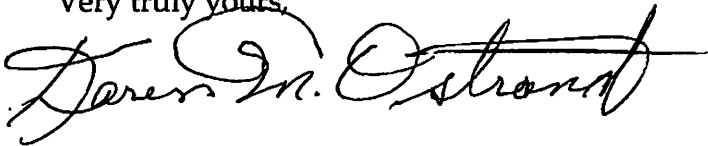
Reference: Bond No. K09676235, Issued by Westchester Fire Insurance Company
on Behalf of Forestar (USA) Real Estate Group, Inc.

Page 2 of 2

perform its obligations as the developer of the Ocean Breeze Park West (SeaWalk) PUD, and demand is made for this amount to be paid to the Town, subject to additional fees and costs after this date. Information regarding the fees and costs paid is available from the Town.

Please govern your actions accordingly.

Very truly yours,

A handwritten signature in black ink, appearing to read "Karen M. Ostrand", written over a horizontal line.

KAREN OSTRAND

Mayor

Attachment: Closing Matrix of August 18, 2025

cc: Town Council and Town Staff;
Gemma Torcivia, Town Attorney;
Leo Giangrande, P.E., Town's Consulting Engineer; and
Paul Nicoletti, Town's Special Counsel

Copy to: William McFetridge, Esquire, Johnson Pope Bokor Ruppel & Burns, LLP,
400 N. Ashley Drive, Suite 3100, Tampa, FL 33602, Tel. (813) 579-4177
Counsel for Forestar (USA) Real Estate Group, Inc.
Sent by email to: Wmcfetridge@jpfirm.com

With a courtesy copy to:

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
Sent by email to: ZacharyGriffin@forestar.com



September 17, 2025

Via email: dpopeil@chubb.com

Derek A. Popeil
Vice President & Surety Claims Manager, Surety Claims North America
Chubb Insurance
202B Halls Mill Road
Whitehouse Station, NJ 08889-1650

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

Dear Mr. Popeil:

This notice is a follow up to the Town's previous notice of the failure of Forestar (USA) Real Estate Group, Inc. ("Forestar") and D.R. Horton, Inc. to complete the SeaWalk Planned Unit Development ("PUD") in the Town of Ocean Breeze, Florida ("Town").

Despite repeated representations and promises made to the Town by the representatives of Forestar that they would correct the deficiencies in the PUD, the deficiencies have not been corrected. In addition, some of the remedial actions taken by representatives of Forestar have caused further and additional damage to the project.

Under cover is a memorandum from Leo Giangrande, P.E., the Town's Consulting Engineer, regarding Forestar's deficiencies in the Seawalk PUD as well as an exhibit that reflects the deficiencies that Mr. Giangrande found in the field.

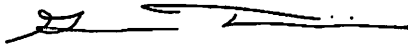
Additionally, please see the attached spreadsheet from the SeaWalk Homeowner's Association with additional detail regarding both deficiencies and additional damages caused by Forestar's contractors in recent days.

It is critical that Chubb correct the deficiencies noted in the Town's previous correspondence and as detailed by Mr. Giangrande in accordance with Bond No. K09676235, Issued by Westchester Fire Insurance Company for Forestar (USA) Real Estate Group, Inc.. This work was supposed to be completed over five (5) years ago, and it is imperative that Chubb take prompt and satisfactory action to correct the deficiencies and repair and remediate the damages caused by Forestar.

TG Law PLLC
515 N. Flagler Drive, Suite 350, West Palm Beach, Florida 33401
100 E. Pine Street, Suite 110, Orlando, Florida 32801
Phone: (561) 370-7360 | Fax: (855) 514-2822 | tgjustice.com

You should feel free to contact me to discuss this matter in greater detail at (561) 370-7360 or at gforcivia@tgjustice.com.

Sincerely,



Gemma Torcivia, Esq.
TG Law PLLC
Town Attorney

Enclosures

cc: Town Council and Town Staff;
Leo Giangrande, P.E., Town's Consulting Engineer; and
Paul Nicoletti, Town's Special Counsel

Copy to: William McFetridge, Esquire, Johnson Pope Bokor Ruppel & Burns, LLP,
400 N. Ashley Drive, Suite 3100, Tampa, FL 33602, Tel. (813) 579-4177
Counsel for Forestar (USA) Real Estate Group, Inc.
Sent by email to: WmcFetridge@jpfirm.com

With a courtesy copy to:

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
Sent by email to: ZacharyGriffin@forestar.com



Review Memorandum

Date: September 16, 2025
To: Town of Ocean Breeze
From: Leo Giangrande, P.E.
Subject: Seawalk Deficiency Memorandum
GEP No.: 24-034

Distribution: Town File

This review memorandum is provided as a supplement to the Deficiency exhibit prepared by GEP on September 16, 2025. GEP represents the Town of Ocean Breeze to close out the Seawalk development PUD. In addition to the items identified in the exhibit, the following items were also noted on the September 5, 2025, site visit.

1. Grouting of stormwater catch basins was performed but not accepted due to gaps and cracking from the new repairs
2. Asphalt sections with cracking and hydraulic fluid needs to be repaired.
3. Remove existing H/C walk that has new cross street connection. Contractor to verify the removal and sod replacement will provide irrigation from the neighboring resident.
4. Several sections of replaced curb have been cracked during some other recent repairs. Sections were identified to be replaced.
5. Fourstar to provide grading plan for Ms. Raven's property
6. Fourstar to provide clarification on PAMP revision per EW Consultants advice. Exotic vegetation shall be removed per the PAMP.

GEP will continue to support the town until the PUD is properly constructed and closed out.

Should you have any further questions on this, please do not hesitate to contact me at (772) 888-9076 or Leo@GEP-LLC.com.



SHEET 2

SHEET 3

SHEET 4

SHEET 5

BASIN DATA

	INLET	OUTLET	AREA (SQ. FT.)
BASIN 1	15.0	15.1	15.05
BASIN 2	15.0	20.1	21.0
BASIN 3	20.0	20.2	20.0

**DRAINAGE BASIN
RECORD DRAWING**

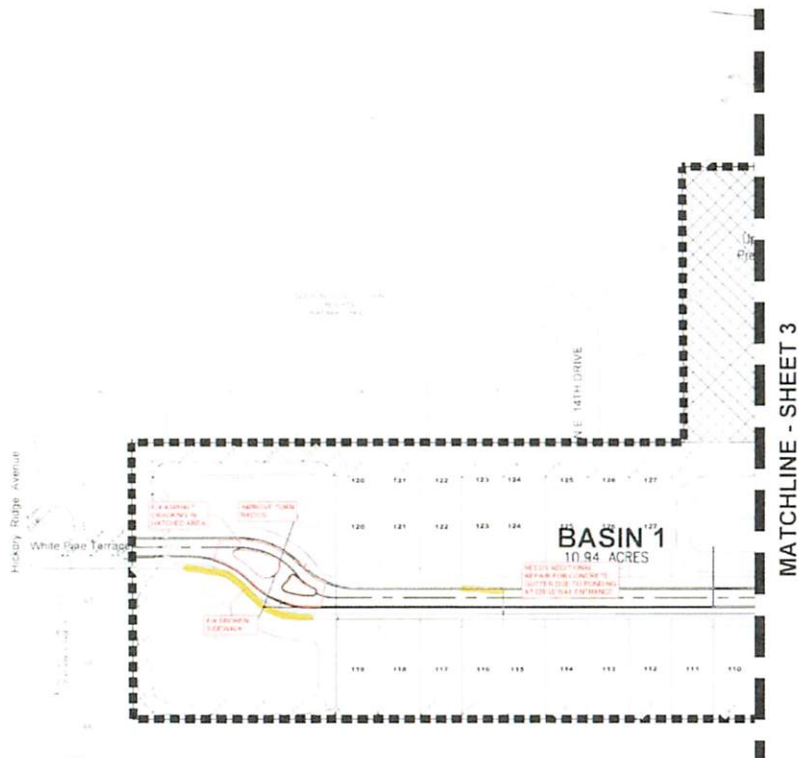
GeoPoint
Surveying, Inc.



ELEVATIONS ARE NAVD 1988

Gzelka
Engineering
Inc.

OCEAN BREEZE PARK WEST
DRAINAGE AREA MAP



RECORD DRAWING
THIS DRAWING HAS BEEN PREPARED BY AN ENGINEER
REGISTERED IN THE STATE OF CALIFORNIA
AND IS SUBJECT TO THE BOARD'S REVIEW

(NAVD 88)	DRAINAGE BASIN RECORD DRAWING			ELEVATIONS ARE NAVD 1988	
	Date of this Survey: 2/15/21			GeoPoint Engineering, Inc.	
	Drawn by: [Name]			Ocean Breeze Park West DRAINAGE AREA MAP	

MATCHLINE - SHEET 2

BASIN 1
10.94 ACRES

BASIN 2
15.78 ACRES

MATCHLINE - SHEET 4

MATCHLINE
SHEET 5



RECORD DRAWMG
THIS DRAWING AND ANY PARTS THEREOF
SHALL BE THE PROPERTY OF THE
ENGINEER AND SHALL NOT BE
REPRODUCED OR COPIED IN ANY
MANNER WITHOUT THE WRITTEN
CONSENT OF THE ENGINEER
DATE: 05/05/2017 BY: J. J. JONES

DRAINAGE BASIN
RECORD DRAWMG

Geopoint
SURVEYING, INC.
(NAVD 88)

ELEVATIONS ARE NAVD 1988
Geopoint
INC.
OCEAN BREEZE PARK WEST
DRAINAGE AREA VAP



MATCHLINE - SHEET 3

BASIN 2
15.78 ACRES

BASIN 3
17.98 ACRES

MATCHLINE - SHEET 5

MATCHLINE - SHEET 5

DRAINAGE BASIN
RECORD DRAWING

GeoPoint
Surveying, Inc.

ELEVATIONS ARE NAVD 1988

Gzelka
Engineering
Inc.

OCEAN BREEZE PARK WEST
DRAINAGE AREA MAP

(NAVD 88)

UNLESS OTHERWISE NOTED, ALL DIMENSIONS ARE IN FEET AND INCHES. DIMENSIONS SHALL BE TO THE CENTERLINE OF THE ROAD OR DRAINAGE CHANNEL UNLESS OTHERWISE NOTED.

[illegible]

THE DRAWING WAS NOT DESIGNED TO SHOW THESE CHANGES DURING THE CONSTRUCTION PROCESS. REPORTS TO URBAN & THUNDERBOLT, INC. AND CORRECTED TO BE SIGNIFICANT.

Gzelka Engineering Inc.
1100 W. 80th St., Suite 100
Minneapolis, MN 55425
Tel: 612-833-1100
Fax: 612-833-1101
www.gzelka.com

**OCEAN BREEZE PARK WEST
DRAINAGE AREA MAP**

[illegible]

GeoPoint
Surveying, Inc.

(NAYD 88)

Seawalk Deficiencies as of 9/16/25

Deficiency	Conditions/Corrective Action Discussed to date	Actions Taken to date	Outstanding Tasks to Complete
1 asphalt repairs at main gate	asphalt to be milled and resurfaced	milling and resurfacing completed but 2 curb sections were cracked and adjacent asphalt was damaged by a construction vehicle leak; 9/5 walkthrough agreed that 2 curb sections will be replaced and additional asphalt will be re-milled.	Replace curb sections, remill additional asphalt, final inspection by Town Engineer.
concrete curbing, sidewalk and	repair locations marked to mutual satisfaction of Town and Forestar	Second round of repairs to be completed per 9/5 walkthrough with Town and Forestar	Forestar must complete second round of repairs and obtain final inspection from Town Engineer.
2 valley gutter repairs			Sign at western entrance still needs to be moved further from street, and ADA ramp from sidewalk on western intersection of Breezeway and White Pine needs to be removed due to there being no counterpart on the other side of the road and conflict with a driveway prevents it from being added. Topsoil and sod will need to be brought in and two existing irrigation heads will need to be adjusted to cover the new sod. Final inspection by Town Engineer.
3 Signage and striping	Signage and striping must be repaired per McKenzie inspection so they can provide the required certification to Town.	Signs have been relocated and confirmed that no double yellow line is required at intersection north of community's main entrance and throughout the community.	
4 storm drains	all 70 drains to be inspected and repairs completed as needed; written report requested to show which drains were ok and which were repaired.	Forestar completed inspections and repairs but no report provided to date; Forestar verbally advised 13 storm drains were repaired; 4 were inspected and determined to be unacceptable by Town Engineer on 9/5 and Forestar agreed to redo all 13 as the source of the cracking was believed to be improperly prepared mortar which was likely used on all 13.	Report on 70 drains to be provided to Town, complete repairs to 13 drains and final inspection from Town Engineer.
5 Western Preserve	invasive trees must be removed to comply with PAMP or PAMP must be amended to allow invasives to remain in place.	Forestar advised verbally on 9/5 that it would talk internally to determine how they will proceed.	Remove trees or amend PAMP.
grading on Lot 1 and into Western	Grading on western and northern side of Lot 1 (plus adjacent Western Preserve and northern easement) is not in accordance with PUD and must be corrected.	Forestar provided a survey-type one page drawing on 6/28/25, Town Engineer verbally advised on 7/2 at walkthrough that the document had insufficient detail including quantities of materials to be used. Forestar advised additional details would be sent. At 9/5 walkthrough, Forestar advised that an improved plan had been drawn up and would be sent to the Town and homeowner for review and approval.	Provide detailed plan; obtain approval from HOA, homeowner and Town Engineer; complete remedial work and obtain final inspection from Town Engineer.
6 Preserve			
enlarge turnaround at western	West entrance turnaround is undersized and must be enlarged.	During 3/25/25 walk through, at least 30 minutes were spent discussing alternatives to correct the insufficient turning radius at the west gate. No proposal has been received to date.	Provide proposal, complete work, obtain final inspection from Town Engineer.
7 entrance			
failure to establish ground	Excessive erosion at various places in community due to ground cover that was not properly stabilized. This issue's solution is a combination of adding fill where needed, installing plants and/or other stabilizing material and providing irrigation as needed. These conditions can be found on the slopes of dry retention areas as well as behind the homes on the west side of Breezeway Circle. This area has experienced so much erosion in the last three years that the concrete fence posts are all at least partially exposed and the space between the fence and the ground exceeds 12" in some areas, particularly at its southern end where the fence is longer standing up straight.	Forestar verbally acknowledged lack of adequate ground stabilization during 3/25/25 walk through, and provided a quote from Dixie Landscaping in April which included sod and plant material. The Town has requested additional information regarding this quote several times and in particular it asked for a map of where in the community the proposed materials would be placed. Forestar again acknowledged these conditions during 7/2/25 walkthrough and stated that they intended to address this via hand grading and installation of sod. again, a map of the areas to be addressed was requested and is still outstanding. From 8/5/25 email from Will McFetridge "With respect to the erosion control work to be performed by Dixie, we are still working on providing a map of the specific locations/areas, but that work cannot be scheduled until we determine what is to be done about the irrigation." No proposal on irrigation has been received to date.	Provide a map of work to be completed including location of new plantings; obtain approval from Town and HOA; complete work; obtain final inspection from Town Engineer.
8 cover/erosion			