

# LOXAHATCHEE RIVER DISTRICT

2500 JUPITER PARK DRIVE, JUPITER, FLORIDA 33458

TEL: (561) 747-5700

FAX: (561) 747-9929

D. Albrey Arrington, Ph.D. EXECUTIVE DIRECTOR

loxahatcheeriver.org

February 1, 2024

Via US Mail & Email: fdavila@juno-beach.fl.us

Town of Juno Beach
Attn: Frank Davila, CFM
Director of Planning and Zoning
Town of Juno Beach
340 Ocean Drive
Juno Beach, FL 33408

Dear Mr. Davila

The District does not have an issue with an extension to 844 Oceanside Drive's building permit.

Regarding the long existing manhole that is now in conflict with the developer's recent construction, we offer the following facts and information.

- 1. The manhole and associated gravity mains were installed by the developer of Ocean Side at Juno Beach in the year 2005.
- 2. The attached construction Record Drawings dated 2005 show the manhole installed <u>within</u> the "Proposed Easement". The recorded easement (easement and plat attached) does not match the proposed easement on the record drawings.
- 3. The developer of 844 Oceanside Drive's surveyor located the manhole on February 21, 2022 (Survey attached).
- 4. The developer of 844 Oceanside Drive obtained a plan and two quotes for relocation of the manhole and associated gravity mains dated May 23, 2022 and May 16, 2022 from DS Eakins and Gears Underground Services, respectively. The developer chose to not relocate the manhole and associated gravity mains.
- 5. The NW Corner of the structure is built on top of the manhole in violation of the District's Construction Standards and Technical Specifications ("District Standards"), namely pages 20-6 & 20-7, paragraph 20.07 Separation Requirements, which states: "All gravity sewer mains shall be a minimum of 10' horizontally from any structures. This setback shall be measured from the outside edge of the pipe to the nearest part of the structure, including underground (i.e. footers) or above ground (i.e. roof overhangs) features." The health, safety and welfare engineering purpose for this design standard is to make sure utility workers and contractors requiring access to the manhole and associated gravity mains have safe and adequate room to permit heavy equipment, safety gear, and workers the necessary room for maintenance, repairs and replacement. The developer's structure because of the proximity to the District's infrastructure is a public health, safety and welfare concern. A failure at this manhole and associated gravity sewer mains would affect approximately 10 residences that are upstream of this gravity main and manhole, as well as potential disruption to the multi-family residential project to the north.

Stephen B. Rockoff
CHAIRMAN

Kevin L. Baker
BOARD MEMBER

Gordon M. Boggie
BOARD MEMBER

Dr. Matt H. Rostock
BOARD MEMBER

Clinton R. Yerkes
BOARD MEMBER

The District's General Legal Counsel has been in communications with developer's legal representative to inform them that the developer is responsible to adhere to the District's Standard by either i) relocating the manhole and sewer main line or ii) moving the covered parking footers and roof overhang features.

Please advise should you have any questions or wish to discuss in more detail.

Respectfully submitted,

Kris Dean, P.E., Deputy Executive Director

Encl. Survey

**Record Drawing** 

Plat - Ocean Side at Juno Beach

**Easement Agreement** 

Cc: Courtney Jones, P.E., District Engineer

Curtis Shenkman, Esq., District General Legal Counsel

# 

CFN 20050529511 OR BK 19123 PG 1085 RECORDED 08/23/2005 10:15:44 Palm Beach County, Florida Sharon R. Bock, CLERK & COMPTROLLER Pgs 1085 - 1087; (3pgs)

LRECD - 109
Prepared By and Return To:
Clinton R. Yerkes
Loxahatchee River Environmental
Control District
2500 Jupiter Park Drive
Jupiter, Florida 33458-8964

Doc Stamp Tax Exempt per Fla. Admin. Code 12B-4.054, par. 24.

#### **SEWER EASEMENT DEED**

THIS EASEMENT, made this The day of June , 7005, between

hereinafter called the "Grantor", and the LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT, an Agency of the State of Florida, created by a Special Act of the Legislature, Chapter 71,822 as amended, of 2500 Jupiter Park Drive, Jupiter, Florida 33458-8964, its successors and assigns, herein called the "Grantee".

#### WITNESSETH

That the Grantor, and all other persons claiming by, through or under Grantor, or either of them, their predecessors in title, or their heirs, assigns or legal representatives by virtue of any deeds of conveyances to the land described herein, for and in consideration of the sum of TEN DOLLARS (\$10.00), to it in hand paid by the said Grantee, together with all other covenants made by the Grantee and contained herein, has granted, bargained and sold to the Grantee, its successors and assigns, a permanent Easement, on the parcel of property described in Exhibit "A" attached hereto and made a part hereof for all purposes connected with the use, ingress, egress, construction, repair, replacement, installation, improvement, and maintenance of sewer facilities and facilities for the transport of reuse (I(O)) water, or sewerage, including but not limited to transmission mains, force mains, manholes, lift stations, collection lines, pipes, pumps, connections, ditches, meters and all other related appurtenances having the capacity for use in connection with the collection or transmission of wastewater of any nature or originating from any source whether on or off the property of Grantor Grantee shall maintain and repair Grantee's facilities as there shall be occasion from time to time negreafter, and Grantee shall restore the grass, sod, or pavement of Grantor (but not Improvements as set forth below) to the similar condition that was existent thereon prior to any entry or entries by Grantee pursuant to this Easement Deed.

"Improvements" shall mean anything other than grass, sod or asphalt pavement, including but not limited to any type of structure, wall, landscape berm, building, surfacing, landscaping (except grass or sod) and the like.

Grantor shall not make any Improvements to the property described herein without the prior written consent of Grantee which Grantee may withhold in its sole discretion. In the event an Improvement needs to be removed in the opinion of Grantee, or is removed or damaged by or on behalf of Grantee, in connection with Grantee's use of the Easement, Grantee shall not be liable for any such removal or damage of the Improvement. Any and all Improvements are at the sole

risk and expense of Grantor. Any expense of Grantee caused by the existence of an Improvement shall be the responsibility of Grantor.

This Easement and the agreements contained herein are binding upon Grantor, its heirs, administrators, personal representatives, successors and/or assigns.

Grantor is seized in fee simple and in possession of lands described herein and does fully warrant title to said property and will defend the same against any lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the undersigned have executed this instrument the date and year first above written:

1 🔍	
Signed, sealed and delivered	GRANTOR:
in the presence of	Olean Side LLC O
A Market	a floored Limited Liability Company
Wigness Signature	By: Year Thomas
Widness Signature	Managing member
Cozcians Carinoaych	<b>,</b>
Printed Name	i e
Witness Signature	
Timothy J. Messler	
Printed Name	
STATE OF Florida	2
STATE OF Florida COUNTY OF Palm Beach	
	officer duly authorized to administer oaths and take
acknowledgments, personally appeared P	
known to me to be the person(s) described in	and who executed the foregoing instrument, who
acknowledged before me that he/she executed personally known to me or who produced	
identification.	as
Witness my hand and official seal in the Coun	ty and State last aforesaid this 2th day of
Tune, A.D. 2005	
	$\mathcal{O}_{\Sigma}$
	Milter Brown
	NOTARY SIGNATURE
MOLLY E BROWN MY COMMISSION # DD 371534	Molly E Brown
MY CUMMISSION EXPIRES: December 15, 2008 Bonded Thru Notary Public Underwriters	PRINTED NOTARY SIGNATURE
Bonded Thru Ivomy	data:\dev\forms\sewer\easemtd.doc (10/14/96)

## EXHIBIT "A"

	All roadways, rights-of-way, sewerage, drainage and utility	
	easements as indicated on the plat of: Ocean Side	
	at Juno Beach as recorded in the Official Records of	f
1	Palm Beach/Martin County, Florida, Book	_,
1	Pages 5 + 6	
\	EP	
	J0	
	S)	

**PLAT OF** 

### 20050058617

# OCEAN SIDE AT JUNO

BEING A REPLAT OF LOTS 4 THROUGH 6, BLOCK 4, A PORTION OF LOT 1, BLOCK 4, A PORTION OF ATLANTIC BOULEVARD AND A PORTION OF HIBISCUS AVENUE, PLAT OF NEW PALM BEACH HEIGHTS, PLAT BOOK 6, PAGE 73 LYING IN THE SECTION 28, TOWNSHIP 41 SOUTH, RANGE 43 EAST, TOWN OF JUNO BEACH, PALM BEACH COUNTY, FLORIDA

THIS PLAT WAS FILED FOR RECORD AT 1.2 THIS TO DAY OF F. C.D. (1974), A.D. (1974), AND DULY RECORDED IN PLATING BOOK 1974 ON PAGES Sharon R. Back

BK 104

Pg 5 STATE OF FLORIDA COUNTY OF DALM BEACH

**DEDICATION:** 

STATE OF FLORIDA

COUNTY OF PALM BEACH

KNOW ALL MEN NY THEER PRESENTE THAT OCEAN EIGE, L.C. A FLORIDA LIMITED LIBELITY COMPARY, OWNER OF THE LAND SHOWN HERRON, BERNE A PRACEL OF LAND. LYTON IN SECTION 25 TOWNSHIP 41 SOUTH, RANGE 42 EAST, TOWN OF JUND BEACH, PALM BEACH COUNTY, FLORIDA, SHOWN HEREON AS OCEAN SIDE AT LIVIN BEACH, SHIND SECREBED AS FOLLOWS:

A PARCEL OF LAND BEING LOTS 4 THROUGH 6, BLOCK 4, TOGETHER WITH A PORTION OF LOT 1, BLOCK 4, A PORTION OF ATLANTIC BOULEVARD (BARADONED BY TOWN OF JUNO BEACH BESOLUTION NO. 99-910, AND A PORTION OF HIBISUS AVAINUS (BARADONED BY YOMN OF JUNO BEACH RESOLUTION NO. 200-90), ACCORDING TO THE PLAT OF NEW PALM BEACH HIGHTS, RECORDED IN FLAT BOOK 6, PAGE 73, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULABLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF SAID LOT 4, BLOCK 4; THENCE NORTH 32'95'45' WEST ALONG THE EASTERLY LINE THEREOF, A DISTANCE OF 110.00 FEST, THENCE NORTH 32'19' EAST, REPARTING SAID EASTERLY LINE, A NESTRANCE OF 35' PEST TO THE CONTRELINE OF A THATMER GOULEVARGE ACCORDING TO SAID PLAT. THENCE MORTH 52'72' WEST ALONG SAID CHATTERLINE, A DISTANCE OF 213.00 FEST TO THE CENTERLINE OF HISIOLOGY AVENUE ACCORDING TO SAID PLAT! THINKES SOUTH 32'59'S' EAST ALONG SAID CHATTERLINE, A DISTANCE OF 20'13' FEST TO ACCORDING TO SAID PLAT! THINKES SOUTH 32'59'S' EAST ALONG SAID CHATTERLINE, A DISTANCE OF 20'13' FEST TO THE OWN OF THE SAID PLAT THINKES OF SAID LOTS A THROUGH 6, BLOCK 4; THENCE SOUTH 55'32'1" EAST, A DISTANCE OF 17'12' NETT TO THE FORM TO BEGINNING.

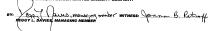
CONTAINING 0.774 ACRES, MORE OR LESS.

HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN HEREON AND DO HEREBY DEDICATE AS FOLLOWS:

THE UTILITY EASEMENTS, AND THE ACCESS, DRAINAGE AND UTILITY EASEMENT ALSO SHOWN AS OCEAN SIDE DRIVE A PRIVATE ROAD AS SHOWN HEREON ARE HEREBY DEDICATED IN PRIVATE THE ROAD RESTRUCTION, GREATION, MAINTERIANCE, INSPECTION, REPLACEMENT AND REPLACE OF UTILITIES, CALE TELEVISION OR SECURITY SERVICE TO THE OCEAN SIDE AT JUNO BEACH HOMEOWHERE'S ASSOCIATION, INC.. THE INSTALLATION OF CABLE TELEVISION SYSTEMS SHALL NOT INTERFER WITH THE CONSTRUCTION AND MAINTENANCE OF OTHER UTILITIES. THE OCEAN SIDE AT JUNO BEACH HOMEOWHERE ASSOCIATION, INC., SHALL MAINTAIN THE PROPERTY ON, OVER, OR UNDER WHICH THE UTILITY DARBENNEY ARE LOCATED WITHOUT SECOURS OF TO THE TOWN OF JUNDS BEACH.

IN WITHERS WHEREOF, OSEAN BIOS LL.C. A FLORIDAL HINTED LIBBILITY COMPANY HAS CAUSED THESE PRESENTS TO BE SOMED BY ITS MANAGING MEMBER AND ITS CORPORATE SEAL TO BE APPLIED HERETO BY AND WITH THE AUTHORITY OF ITS BOARD OF DIRECTORS, THIS  $\frac{U}{2}$  AND  $\frac{1}{2}$  AND  $\frac{$ 

OCEAN SIDE, L.L.C., A FLORIDA LIMITED LIABILITY COMPANY.



WITNESS: Mary an Cherry

#### **ACKNOWLEDGMENT:**

STATE OF FLORIDA

BEFORE ME PERSONALLY APPEARED PEGGY L. DAVIES, WHO IS PERSONALLY KNOWN TO ME, OR HAS PRODUCED D.L. AS IDENTIFICATION, AND WHO EXECUTED THE FORECOMIN INSTRUMENT AS MANAGING MEMBER OF OCEAN SIDE L.L.C., A FLORIDA LINTED LIABILITY COMPANY, AND SEFERALLY ACKNOWLEGED TO AM BEFORE ME THAT SHE EXECUTED SUCH INSTRUMENT AS SUCH MANAGING MEMBER OF SAID COMPANY AND THAT THE SEAL AFFEXED TO THE FORECOME INSTRUMENT IS THE OVERAFINE SAID COMPANY SAID OF THE FORECOME INSTRUMENT IS THE FREE ACT AND DEBOY AS AND COMPANY.

WITNESS MY HAND AND OFFICIAL SEAL THE TE DAY OF January , 2002

MY COMMISSION EXPIRES: 1/31/2007
DD 22954
DD 22954
NOTARY PUBLIC

#### **ACCEPTANCE OF DEDICATIONS:**

STATE OF FLORIDA

OCEAN SIDE AT JUNO BEACH HOMEOWNERS' ASSOCIATION, INC., A FLORIDA CORPORATION NOT FOR PROFIT

BY: PEGGY L. BAVIES . PRESIDENT

WITNESS: Mary an Cherry

**DECEMBER 2004** SHEET 1 OF 2



#### **MORTGAGEE'S CONSENT:**

STATE OF FLORIDA

COUNTY OF PALM BEACH

THE UNDERSIONED HERERY CERTIFIES THAT IT IS THE HOLDER OF MORTGAGES, UPON THE PROPERTY DESCRIBED HEREON AND DOES HERERY JOIN IN AND COMERNY TO THE DEDUCATION OF THE LAND DESCRIBED IN AND BEDICATION OF THE OWNER THEORY AND ADDRESS THAT ITS MORTGAGES WHICH ARE RECORDED IN OFFICIAL RECORDS BOOK 1522 AT PAGE 1574 AND OFFICIAL RECORDS BOOK 1770, PAGE 420 OF THE PUBLIC RECORDS OF PAIN BEACK COUNTY, TO, IONDE, SHALL BE SUBGRAMINED TO THE BEDICATION SHOWN HEREON.

BLIC BANK, A FLORIDA CORPORATION - DY SUCCEMON FRANCH CHANGE HAS TRUST - A METH GRAHMA CONFRANCE. ROBERT W. SANTOM, SENIOR VICE PRESIDENT

WITHESS: Pat Color

#### ACKNOWLEDGMENT:

STATE OF FLORIDA

COUNTY OF PALM BEACH

HATTINIA D. GASTEL ON Robyn Koprivich

TITLE CERTIFICATION:

STATE OF FLORIDA

COUNTY OF PALM BEACH

I, JAME HUNSTOM, A DULY LICENSED ATTORNEY IN THE STATE OF FLORIDA, DO MERGBY CERTIFY THAT I HAVE EXAMINED THE TITLE TO THE MERGON DESCRIBED PROPERTY, THAT I HIND THE TITLE TO THE PROPERTY IS VESTED TO OCEAN BIDE LLC., A PROBIDE JUNITED LIBILITY COMPANY. THAT THE CUMENT TAXES HAVE BEEN PAIG. THAT ALL MORTGAGES NOT SATE OF RELEASED OF RECORD FOR OTHERWISE TERMINATED BY LAW ASS SHOWN HERGON, AND THAT THERE ASE RECOMMENDATED OF MECOND BUT THOSE RECOMMENDATED BY LAW ASS SHOWN HERGON, AND THAT THERE AS

DATE: 12/20/04 BY: Jane J. Human.

BANE HUNSTON, ATTORNEY
FLORIDA BAR NO. 274880

**NOTES:** 

1. "NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDI CONTINUE: ITEM FAIR AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS GREATER THE PROPERTY OF THE PROPERTY OR DISTRICT OF THE FLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THE COUNTY.

2. BEARING REFERENCE: THE BEARINGS HEREON RELATE TO NORTH 23°56'45" WEST ALONG THE EASTERLY LINE OF LOT 4, BLOCK 4 PLAT OF NEW PALM BEACH HEIGHTS, PLAT BOOK 6, PAGE 73, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

NO BUILDINGS OR ANY KIND OF CONSTRUCTION OR TREES OR SHRUBS SHALL BE PLACED ON ANY EASEMENT WITHOUT PRIOR WRITTEN CONSENT OF ALL EASEMENT BENEFICIARIES AND ALL APPLICABLE TOWN APPROVALS OR PERMITS AS

#### SURVEYOR'S CERTIFICATION:

THIS IS TO CERTIFY THAT THE PLAT SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF THE LAND SURVEYEE THE STATE OF THE PART AND THE PART AND THE PART AND THE PART AND SHAPE TO THE PART AND THE LAND SHAPE TO THE PART AND SHAPE TO THE P

O BEACH AND PAGE ATT, FLORIDA ST.

BY.

BY.

FORM - DEDOMAN,
F DATE: 12-14-04

#### **TOWN APPROVAL:**

IT IS HEREBY CERTIFIED THAT THE PLAT OF OCEAN SIDE AT JUNO BEACH IS HEREBY APPROVED FOR RECORD PURSUANT TO THE ORDINANCES OF THE TOWN OF JUNO BEACH AND IN ACCORDANCE WITH SECTION 177.07 (2), FLORIDA STATUTES, THIS  $15^{74}$  DAY OF  $\frac{1}{2}$ Vector  $\frac{1}{2}$ , 2004.

BY: Robert C. Blomans ROBERT BLOMQUIST, MAYOR, TOWN OF JUNO BEACH DATE: 1-11-05 BY: Allison Fay, TOWN CLERK BY: DATE: 1-11-05 DATE: \_12-15-04 DATE: DEC. 10 2004

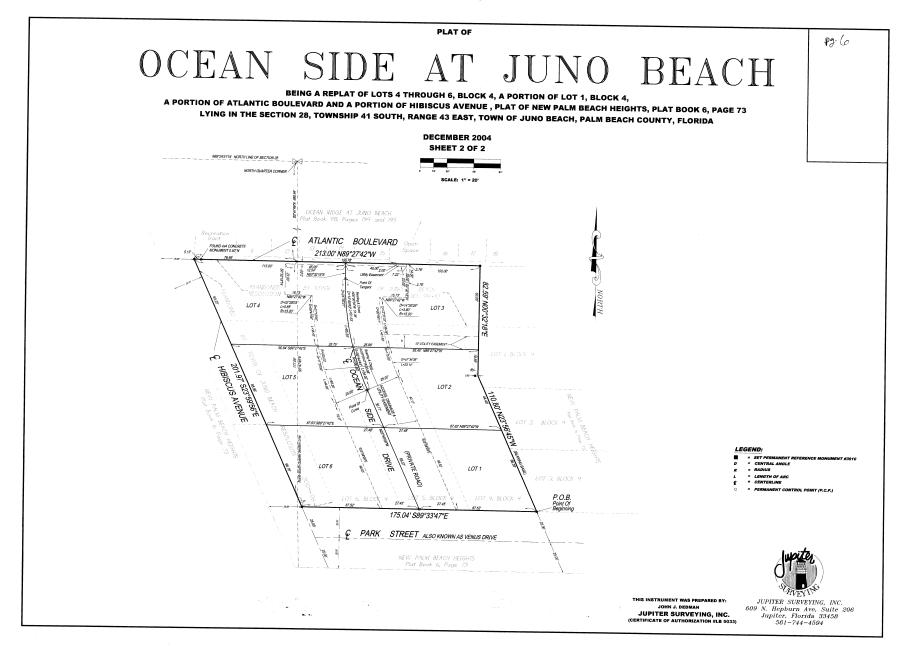
THIS INSTRUMENT WAS PREPARED BY:

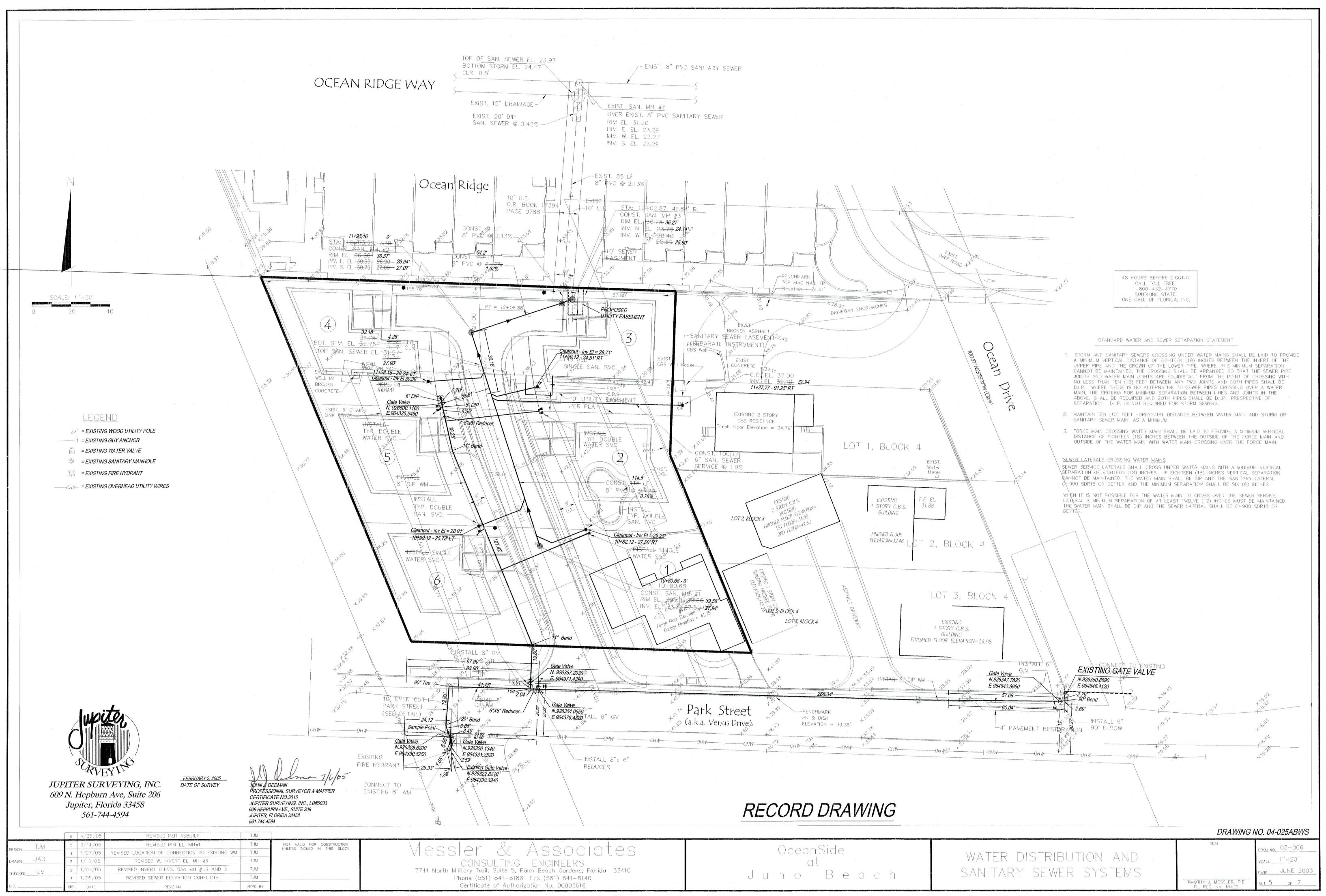
JOHN J. DEDMAN JUPITER SURVEYING, INC.

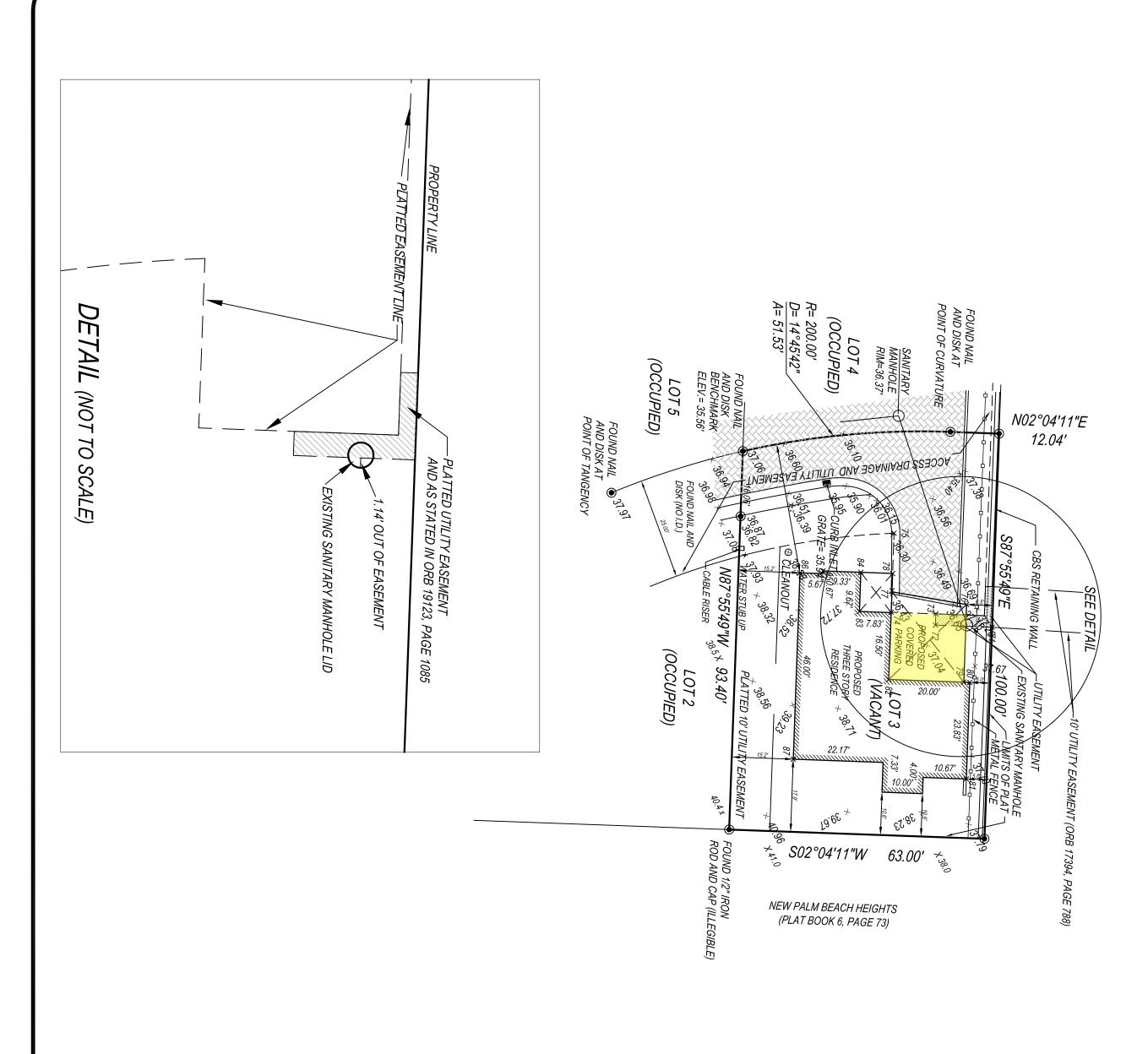
DOUGLAS M. DAVIE P.S.M., TOWN SURVEY CONSULTANT

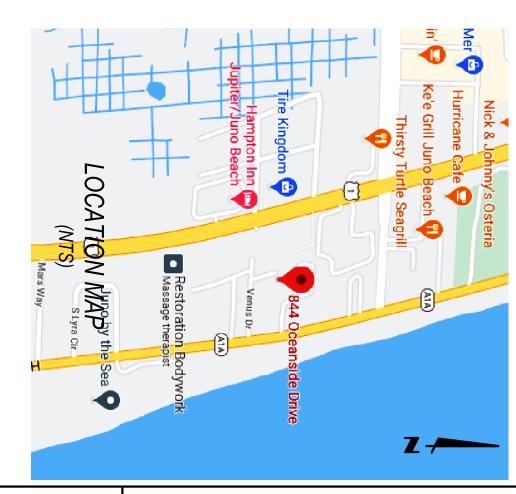
JUPITER SURVEYING, INC. 609 N. Hepburn Ave, Suite 206 Jupiter, Florida 33458











# PROPERTY ADDRESS: 844 OCEANSIDE DRIVE JUNO BEACH FLORIDA 33408

PANEL NO: DATE: FLOOD ZONE:"X"

12099C 0193F OCTOBER 5, 2017

CERTIFIED TO:

1. COASTAL PROPERTY CONCEPTS, INC

2. LAW OFFICE OF RICK KOZELL

3. OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

# SURVEYORS' NOTES:

STATUTES.
2. THE SURV

<u>LEGAL DESCRIPTION:</u> LOT 3, OCEAN SIDE AT JUNO BEACH, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 104, PAGE 5, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

THIS SURVEY MEETS STANDARDS OF PRACTICE PURSUANT TO FLORIDA

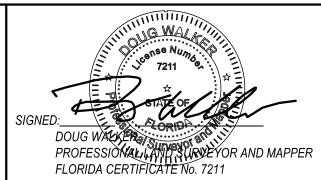
2. THE SURVEY MAP AND REPORT AND THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
3. UNDERGROUND OR OBSCURED IMPROVEMENTS WERE NOT LOCATED.
4. DIMENSIONS ARE RECORD AND FIELD UNLESS OTHERWISE NOTED.
5. STATED DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS.
6. THIS FIRM'S CERTIFICATE OF AUTHORIZATION NUMBER IS LB 8261.
7. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES.
8. SURVEY SUBJECT TO RESERVATIONS, RESTRICTIONS, EASEMENTS AND RIGHTS-OF-WAY OF RECORD. (UNLESS A TITLE REVIEW, COMMITMENT REVIEW, OR OWNERSHIP AND ENCUMBRANCE REVIEW IS PRESENT ON THE FACE OF THIS DOCUMENT, THIS SURVEY HAS BEEN COMPLETED IN THE ABSENCE OF A TITLE INSURANCE POLICY).

9. LOCATION MAP IS GLEANED FROM ONLINE MAPPING SITES AND AND IS ONLY APPROXIMATE.

10. ELEVATIONS SHOWN HEREON ARE BASED ON NATIONAL GEODETIC VERTICAL DATUM OF 1929. (NGVD'29)

╡ SURVEYING INC. 4546 CAMBRIDGE STREET WEST PALM BEACH, FL 33415 PHONE 833.478.7764 / FAX 561.478.1094

WWW.PMSURVEYING.NET



JOB#

DETAIL AND STAKING SANITARY MANHOLE SITE PLAN DATUM CHANGE **BOUNDARY SURVEY PURPOSE** 

JΗ JΗ MS JΗ FIELD

JΗ 02-21-22 CD 06-18-21 JΗ 05-18-21 JΗ 11-16-20 DRAFT DATE

03-09-22

**BOUNDARY SURVEY**