

# TOWN OF LOXAHATCHEE GROVES

155 F Road Loxahatchee Groves, FL 33470



## AGENDA MEMO

**TO:** Mayor and Council

**FROM:** Richard Gallant, Public Works Director and Jeff Kurtz, Project Coordinator

**VIA:** Francine Ramaglia, Town Manager

**DATE:** April 16, 2024

**SUBJECT:** 2024 CIP and Road Improvement Program

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**Background:** The 2024 CIP plan consists of two basic elements, roadway asphalt overlay and the establishment or reestablishment of drainage to roads to be overlaid, and canal bank restoration.

### ROADWAY PLAN

The roadway asphalt overlay project is broken into three components asphalt overlay, installation of road rock, and reestablishment of drainage swales. The Council awarded a contract in the amount of 1,696,994 to Atlantic Southern Paving and Sealcoating, LLC for the paving program. The road rock plan which is primarily implemented by staff and principally involves the same roads that are in the paving program. The road rock plan has a budget of \$403,550. Additionally, prior to paving, staff is removing debris from the drainage components within the paving project to improve drainage conditions in those areas. Within the 105 fund, the Town has contracted to remove 90 exotic trees that are interfering with the proposed work at a cost of \$62,500. The total investment in the capital plan for roadways for FY 24 is \$2,100,544.

### CHARACTERISTICS OF THE ROADS IN FY 24 CIP

The roadways being worked on this year are primarily referred to as subdivision roads. Subdivision roads typically will have a grant of easement for the roadway in the title record of the properties adjacent to the roadway. The easements were generally based on the unrecorded plat that was the foundation of the subdivision. The easements did not provide for a maintenance entity. Most of the subdivisions were developed in the 1960's and 70's. The logical maintenance entities for the roads, including the drainage, at that time would have either been the County, the water control district or a homeowner's association. In the absence of such an entity being mentioned in the deeds the roads were probably initially constructed and maintained by the developer and over time as the developer ceded their interest in the lots the landowners themselves came together to maintain the roads.

## **HISTORY OF MAINTENANCE BY DISTRICT AND TOWN**

The district provided courtesy grading of the subdivision roads as early as the late 60's as documented in meeting minutes of the Loxahatchee Groves Sub-Drainage District as their budget allowed. It does not appear the district developed a regular maintenance program for these roadways until later. There is limited information when the Town developed a program to become the maintenance entity or an assessment program for the subdivision roadways.

Following the Town's incorporation the Town assumed maintenance responsibility for the subdivision roads as evidenced by their inclusion on the Town's gas tax map. All of these roads have been on the Town's gas tax map since 2008. At least since 2013, the Town contracted with the District to provide maintenance for these roadways. The full maintenance records from the pre-merger time frame are not readily available to us and would require considerable research to unearth and there is no guarantee the records exist or if they do exist whether they are complete.

Following the merger of the Town and the District it is clear that these subdivision roads have been maintained on a regular and consistent basis. So, some previous council either by specific action or acquiescence decided the Town would be the maintenance entity for the subdivision roads. This decision is not necessarily an obligation and could potentially be reversed by action of this or a future Council. There has been no recommendation, by any Council member, members of the public or staff that the Town cease its maintenance efforts on these subdivision roads.

Inclusion of the roads on the gas tax map is important, because by such inclusion, the Town is and was affirmatively asserting it maintains the roads on the map. In accordance with section 336.025 F.S., county and municipal governments shall utilize moneys received from the tax only for transportation expenditures. For the purposes section 336.025 F.S., "transportation expenditures" means expenditures by the local government from local or state shared revenue sources, excluding expenditures of bond proceeds, for the following programs:

- (a) Public transportation operations and maintenance.
- (b) Roadway and right-of-way maintenance and equipment and structures used primarily for the storage and maintenance of such equipment.
- (c) Roadway and right-of-way drainage.
- (d) Street lighting installation, operation, maintenance, and repair.
- (e) Traffic signs, traffic engineering, signalization, and pavement markings, installation, operation, maintenance, and repair.
- (f) Bridge maintenance and operation.
- (g) Debt service and current expenditures for transportation capital projects in the foregoing program areas, including construction or reconstruction of roads and sidewalks.

The Town has in fact used the gas tax revenues it received for roadway maintenance, equipment, roadway drainage, bridge maintenance and traffic signs. The statute recognizes that roadway drainage and maintenance of that drainage is an integral part of roadway maintenance and an appropriate transportation expense and use of the gas tax monies. If the Town were to cease the maintenance of certain roads, those roads would be removed from the gas tax map and there would be a reduction in gas tax revenues.

Having decided to maintain the roads, the question then becomes the means and methods of maintenance. Up to this point these particular roadways have been unpaved, with the exception of portions of North Road, have been graded on a regular and ongoing basis. The previous Council decided to pave the roads included in the 2024 paving program subject to certain funding contingencies. The contract provided that segments would be paved only after a notice to proceed had been issued for that particular segment and there was no guarantee that all segments would be issued a notice to proceed.

The order in which the segments are to be paved has not yet been finalized, but the PWD is proposing the following order for the segments to be paved.

1. 161<sup>st</sup> Terrace North - 161<sup>st</sup> Terrace North includes Lakeside Drive and is approximately 2 miles in length and abuts 58 lots. The unrecorded plat shows a 60-foot easement road bisecting the 58 lots. The warranty deed history reflects the existence of the easements with the exception of 2 lots. The existing roadway does not encroach onto those two lots. This roadway, as with all of these roadways other than 24<sup>th</sup> Court N west of F Road, was originally laid out as a straight road. The town staff is reestablishing and repairing the drainage swale on the south and west of the road prior to paving taking place. All work will take place within the 60-foot easement area and at no point will the area being improved exceed the boundaries of the original roadway. The paved area is to be 18 feet and the swale is generally located within 10 feet of paving. The section between the edge of pavement and the beginning of the swale will remain dirt for horse riders who do not desire to ride on eh asphalt. The 161<sup>st</sup> Terrace North subdivision was created by Leelan C Jewell and lot sales began in 1972. Proposed to be 18 feet of paving mono-sloped to the West and striped.
2. Casey Road – Casey Road is derived from a subdivision created by Loxahatchee Investments, Ltd., in 1969. The subdivision proposed 28 lots bordering what is now known as Casey Road. The easement for the road was to be 60 feet with 30 feet coming from each of the lots to the north and south. The subdivision plan shows a typical cross section of the road consisting of a 20-foot travel way with drainage on either side of the travel way. The proposed paving for Casey Road is 20 feet in width crowned in the middle.
3. Kerry Lane - Kerry Lane was part of a subdivision created for William V Hoecherl in October of 1972 and included 30 lots on Edith Road, Fox Trail, and Farley Road. Kerry Lane was formed from a 25-foot road easement connecting the 3 roads on which the lots front and being immediately adjacent to the F road Canal right of way. The plan for Kerry is to pave 16 feet mono sloped to the west.
4. E Citrus - E Citrus Drive comes from a subdivision initially created by Loxahatchee Investment Corporation in 1966. The park to the south was acquired by the County. E Citrus was supposed to be a 60-foot easement road. The easements exist on the

properties to the north. It is unclear whether the park was burdened with the 30-foot easement which would have been the southern half of E Citrus. East Citrus is to be paved 20 feet wide, striped and sloped to the north.

5. 147<sup>th</sup> Ave. N - 147<sup>th</sup> Ave North was apparently created as a part of a subdivision called Laurie Acres, however, we have not located a copy of the original subdivision plan. There are easements on some of the adjacent lots and a portion of the road is owned by the Town, having been transferred from the County after incorporation. The County had received title to that portion of the road that had been acquired by a tax deed. The Town will be seeking an easement for road and drainage purposes from the corner property as we have not located an easement in the deed history. The paving on the road is going to be 16 feet wide and crowned in the middle.
6. West C - West C is part of a subdivision created by William Hoecherl in 1972. The subdivision laid out 32 lots along Scott Place, Williams Drive and Scott Way. West C was the connecting road between those other roads and was based on 25-foot road easement on the east side of adjacent lots. The paved area of West C is scheduled to be 16 feet wide and sloped to the west.
7. 24<sup>th</sup> Ct East of F - 24<sup>th</sup> Court east of F Road was laid out in a subdivision for William Hoecherl as a 60-foot easement road with 30 feet of easement coming from the 20 lots located to the north and south of the road. The paving on this road is scheduled to be crowned and 16 feet wide. (Both 24<sup>th</sup> Courts would be contingent on the completion of the culvert repairs)
8. 24<sup>th</sup> Ct West of F - The derivation of 24<sup>th</sup> Court west of F Road is unclear as we have not found a record of the original subdivision plan. It is unusual, in that it is the one road of those included in the FY24 paving plan that is not intended to be completely straight as there is a bow in the middle of the road to the north. The properties on which the roadway sits generally have 20-foot road easements in the deed history. The paving on 24<sup>th</sup> Court West is scheduled to be 16 feet wide and crowned in the middle of the road. (Both 24<sup>th</sup> Courts would be contingent on the completion of the culvert repairs)
9. Gruber - Gruber Road is a 60-foot road easement, with 30-foot easements coming from the lots located to the North and South. The subdivision was created by Arthur Murray in 1970. The paved road is currently scheduled to be 18 feet wide and crowned. In the center of the road so it would drain of both sides.
10. West D - West D Road paving is intended to be located within the D Road Canal right of way. The paving is scheduled to be 16 feet wide sloped to the west.
11. Global Trail - Global Trail is part of the Global Acres subdivision consisting of 30 lots. It is unclear from the unrecorded plat, upon which the development is based, as to who the developer was or when the development began. The road easement for Global Trail was intended to be 60 feet wide, with lots on the roads east and west sides each contributing 30 foot of easement area. The paved area of the road is scheduled to be crowned and 16 feet wide. The public works director is suggesting to hold off

on issuing a notice to proceed, until the three roads within the development that cross Global Trail can also be paved.

12. B North – Primarily within the right of way and enhanced by easements. The paving is proposed to be 18 feet in width and sloped to the east. ( Segments 12 & 13 would move up in priority once funding is received)
13. North B to C – The paving is scheduled to be 18 feet wide and sloped to the south. ( Segments 12 & 13 would move up in priority once funding is received)

#### **GENERAL NOTES ON ROADWAY PLAN**

1. With the singular exception of 24<sup>th</sup> Court North west of F, all of the roads were intended to be straight roads. Any meandering on the roads which existed was the result of improper maintenance. The roadway beds do exist and prior to paving the Town staff is re-establishing the proper configuration of the road and cutting back interfering vegetation where necessary.
2. The width of the paving does not exceed the area currently being maintained by the Town and is considerably less than the area contained within the original easements associated with the roads.
3. The only way to get to the properties on these roads is by use of these roadways.
4. All of these roads have been maintained by the Town for over 10 years.
5. Reversion of maintenance of the roadways to the property owners, would create chaos.
6. Trees will only be removed when necessary to clear the travel way or allow for the proper drainage of the roadway and adjacent properties.
7. Thus far the only trees that the Town has removed from the swales or travel way have been invasive non- native species, primarily Australian Pines and Brazilian Pepper.
8. There has been confusion about the trees to be removed because of the publication of preliminary notes on the proposed work plan for the paving project. Those notes were meant to be preliminary and not final and were produced by former staff. We continue to prepare the roads for paving and evaluate the need to cut back vegetation and remove dead and hazardous trees which could impact the roadways.

#### **Drainage and Canal Program**

The drainage/canal program for FY 24 consists of canal restoration and culvert replacement. It was originally contemplated that \$1,559,794 would be spent on swales, catch basins, control structures and miscellaneous culverts, the 11<sup>th</sup> Ter & D Rd culvert, canal bank restoration, and the resiliency grant program. As it turns out those monies were needed to help fund the emergency collecting canal bank stabilization contract and specific culverts and therefore the swale and catch basin program which had \$500,000 originally allocated will have to be postponed.

The proposed drainage/canal FY 24 CIP program now includes:

1. B Road Bridge Culvert	\$125,700
2. 11 <sup>th</sup> Ter & D Rd Bridge Culvert	126,000
3. F Rd & Collecting Canal Bridge Culverts	436,300
4. 12 <sup>th</sup> Place North Bridge Culvert	136,700
5. Canal Bank Collecting Canal	198,000
6. General Bank Restoration (materials)	205,794
7. Resiliency Grant Program	<u>350,000</u>
Total of reallocated projects	\$1,578,494

The additional \$18,700 is proposed to be funded from FEMA reimbursement funds.

In addition to the above projects the Public Works Director has identified another culvert bridge at 24<sup>th</sup> & F that is in need of replacement at an estimated cost of \$140,000. It is proposed that project be funded by a transfer of a portion of the carry over, of road and drainage funds from 2023. The Town will also incur approximately \$40,000 in design and permitting costs associated with culvert bridges it has or will install this year. Those costs will also be funded by a transfer from the FY23 road and drainage carry over. With that additional \$180,000 the total drainage/canal portion of the CIP would increase to \$1,758,494. There was a component of the CIP canal restoration project that was and is funded within the road and drainage fund. The personnel related expenses for the canal crew are found in the road and drainage fund and have a budget of 151,339.

### **FUNDING OF CIP**

As shown on the attached proposed Exhibit A, to Ordinance No. 2024-02, total capital funds available for FY 2024 including carryover of capital funds from 2023 was \$3,733,643 and the recommended use of capital funds, as described above, with the addition of FY2023 carry forward projects is \$4,435,437. The shortfall of \$701,794 is proposed to be made up from FEMA reimbursement monies, potential funding from the Sod Farm and a transfer of funds from the road and drainage FY2023 carry forward.

Because of the contingent nature of a donation from the Sod Farm, it is recommended that the paving of B North and North Road from B to C, not commence, until and unless those donated funds are assured.

**Recommendations:** Council discussion and direction with respect to FY 2024 CIP and Road Improvement Program.