

PLANTATION ACRES IMPROVEMENT DISTRICT

REGULAR MEETING

January 23rd, 2020

Member Present: Louis Flanigan, Chairman
Dr. Edward N. Szerlip, Vice-Chair
Jesse Varnell, Commissioner
Stephen Nieset, Commissioner:

Also, Present: David Fradley, District Engineer
District Attorney – Paul Gouglman
Joseph Telles, District Administrator
Angel Alvarez, District Manager

Chairman Flanigan called the meeting to order at 7:00 p.m. The Pledge of Allegiance to the Flag followed by Chairman's giving prayer. Roll call indicated the above members were present.

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PUBLIC COMMENTS: On the agenda.

Chairman Flanigan: I will ask our attorney where we stand on the property.

District Attorney Goulgeman : I think where we stand is to listen to the residents. The engineer and I have had some discussions about this there's a summary briefing memo at your place to give a background and in short basically what has happened I've talked with Richard Coker whose in the audience and attorney for at least one or two of the residents and maybe more and he has outlined there is an excerpt in the briefing memo and concerns that he would like to raise this evening and the concerns relate to the parcel to the North of us and how we are going to proceed in the future. I've indicated to Mr. Coker on a number of occasions that the Board is all ears we've always at this agency engaged in a good neighbor policy and we would solicit any comments that need to be made, any suggestions for how to make things more workable and a solution that I had talked over with Mr. Cocker is at the present time there really isn't a plan for development on the parcel to the North that the Board instructed staff to move forward and try to clean out some of the nuisance species and underbrush in there and then to put up a fence and there certainly legal reasons why we want to put up the fence but other than that there's been no plan that's been developed, no plan that's been presented to the district and maybe it there's neighbor concerns the best way to approach is to get a few neighbors as leaders of the group to work with staff when we get to the point of developing a plan. There a number of things that will get to happen before we actually get to that point so Mr. Coker said he would like to be here tonight and make a presentation and I suspect there might be others in the audience that have comments and we can take it from there.

Chairman Flanigan: I would ask that if you would like to make a comment to please go to the podium, state your name and address.

Richard Cocker 1404 S. Andrews Ave., Ft. Lauderdale, FL 33316: I'm here representing Ben and Michelle F. who live on 18th St. I was called because there was work being done on the property on the entrance. It seem like you were taking down some trees and putting up a fence none of the neighbors know anything about it. So it certainly caused an uproar. We started looking into it and they looked into it and were told maybe a little jump of the gun that you all had ultimate plans to use that property for some typ of storage yard. Everybody then got a little upset started thinking about moving all that buffer, moving equipment right in front of the beautiful neighborhood they live in. We've been gathering information

about that parcel in the last week. I've been talking to Paul whose been very helpful, cooperative and I appreciate that very much. We found out the same things you know that you don't own the property, some Holdings company own the property for several years, what you have is a reservation assigned by the SFWMD. A reservation to use the property basically drainage purposes. Wee found out you don't have any permits from the City of Plantation to do anything. Your zoned residential. None of the things the residents understood that your ultimate plans were a storage yard or something like that. None of those things are allowed under the existing zoning. You have to rezone to the zoning district you have here. You have a community facility zoned district and you don't have any authority. You don't have the permit to do the work you're doing now. I know that now that it's all in the open your attorney will advise you of the steps to go forward, you'll make some plans and comply with all the regulations, whatever Plantation requires in terms of permitting. Whatever your authority is I'm sure you won't exceed it. Paul has made it clear that you all welcome comments from the neighbors and work with the neighbors in whatever plans you have for that property so it won't impact them unduly. I think everyone is good with that premise going forward and think each of the residents here today have some specific comments and are concerned about the fence and how it looks and what that means around their property. I think they all want to speak today and I want them to make those comments generally where we are and why we're here today. Thank you.

Jason/Administrative Officer for the City of Plantation: Beginning last week as you can imagine we started to get comments and questions from the residents and I'm here to listen and to make sure things proceed in an appropriate manner. I wanted to make you aware about the compatibility the uses and what not. I'm available to answer some questions and work with the residents but certainly we're on radar now. Thank you.

Ben F.- Cocker is my personal real estate attorney, I'm a real estate developer and hired him on behalf of our association on the behalf of our entire neighborhood. I came here today, spoke with Angel, was originally told clearing some trees to ultimately put a storage facility of equipment, our neighborhood has had this buffer since I've been there for the last twenty years. I will work with the Board on behalf our the neighbors and don't think we need twenty to go in everyday. As long as we have a buffer that protects the entrance of our street, if you can find a way to expand, need to protect the values of our homes. If you can get the fence out of there....

Daniel Z- House backs up to the property, who takes the level of responsibility of maintaining the lot. Had a meeting 3 1/2 years with SFWMD at the time there was 40/50 90' trees, was told not in the budget to remove trees (\$40,000), Irma (2017) I had 24 trees on the yard and 9 roof, \$130,000 damage. SFWMD said I'm responsible, Angel said we maintain it P.A.I.D. is responsible. Then was told Redlands owns and we have nothing to do with it. Either you were responsible with my damage or not.

District Administrator Alvarez- At no time did I say we maintain the property. We cut grass on the swale for drainage purposes not maintain trees.

District Attorney Goulgeman: If I may give some background and the district engineer may want to give some background on the property. I don't know what you may have been told in the past or what you may have surmised from examining the situation however; I can tell you this that the Redlands Holdings company owns that land today. Their a dissolved corporation for decades. We tried to find any surviving members of the board of directors and weren't able to find anybody. Mr. Telles/District Administrator tried tracking them down and came up with nothing. What has happened is that in January 2019 the district received a conveyance of the easement from the SFWMD and that easement is basically for canal and other related drainage work purposes and also allows us to remove gravel, stone and things like that from the property. That's the extent of P.A.I.D.'s ownership. So the question you then have is what's with the fence and where does all that fit in? The answer to that is should we say a missing piece of property because the corporation that owns it is non-existent and hasn't been for years. What we're attempting to do is to use a Florida Law called Adverse Possession to take title to that and the advantages of that to us is as Mr. Fleacher indicated is to expand our services here. The other advantage to that is that there really is nobody out there now that has legal responsibility to that property and as a result of that we think it's probably is we think it's a good thing that somebody tries to take that control it happens to be in our case the district board happens to be the governmental agency which is the commissioner up here all elected by the citizens in this area so it must be for a public purpose and can't be for an idea like someone trying to open an adult club or something like that no one would like in this area. So the reason for the fence is that the Statue for adverse possession talks about in order to get your claim settled for adverse possession you have to substantially enclose the property. In other words fence it. That's the reason for the fence. Now are there some things we can do about the fence I think

probably there are and I keep repeating this but It's the feeling I've gotten from everyone here is and I've been asked to work with the district and that is employ a good neighbor policy. All of you and all of the board live in Plantation Acres. We're all neighbors so as a result can something be done about the fence we can certainly figure something out so there's a more meanable situation. Is a permit needed I honestly don't know. The district can check that out and if needed we can put that application in. As to the issue on damage to your property I'm sorry about that but with no one out there having legal responsibility that's not a good situation for any of us. The district is trying to do it and in doing it we'll do what the board directs. I know these gentlemen well and are strong on good neighbor policies.

District Engineer Fradley: Gave history on parcel.

Chairman Flanigan: Requested Angel to use fill and make it look decent.

Mary. L- Concern for everyone especially those on the North Acres concerning traffic backing up behind us in terms of safety; you are creating a hazard because someone will get hit from behind on Hiatus Rd. Creating traffic impasse if equipment is placed there. Concern is safety and wants board to take into consideration on whatever the plan is.

Michael M.- Once a property is rezoned it's a golden tickets for us developers; this is residential area, open an office 15 miles from here and put you equipment there. You don't own the land and you're removing trees; as a developer I can't remove one tree and your'e removing trees. I'm in this business and see it as a joke. With social media you will have many more in your meetings.

Chairman Flanigan: We've already agreed on a meeting,there will be no more fences installed until we reach that agreement.

District Attorney Goulgeman: Certainly you can remove the fence at this point but I think it's important for everyone to understand that in order for the district to move forward with it's plan to take adverse possession of this property the Statue requires that it be a substantially enclosed in other words some kind of fencing. Maybe the solution afer the homeowners group meeting and district representatives get together is some other type of fence more paliable that just a fence with a bunch of...a solution may be to move it 20' south there may be a strip of land about 20' wide that probably will not be able to be adversely possed and owned by no one. So somewhere along the line we need to figure out a way to satisfy the adverse possession concerns while at the same time satisfying ther residents concerns. Whateer happens out there is not adverse. The problem is there's no one to purchase it from. The company was dissolved in the 60's and ran the company to the best of or knowledge and we've try to look for them we presumed that they were middle age people when they were running the company and here we are 50 years later and if they are still alive they would be about 90/100 years old. Our hope was to find them so we could arrange to purchase. There is really no one to purchase it from and I think the Board's desire was to go ahead and make a claim for adverse possession under Florida law and ultimately take title to it and the advantage to that is two fold to the district which all are as citizens and voters. The advantage to that is allowing us to enlarge our operations since they are cramped and the other is that a public entity that you all control would then have control over the property and be responsible for maintaining it in a proper way so that we don't have trees falling all over the place on houses. I think that's the ultimate insight of the entire thing. Could we have done it differently as far as tying to get together individually...no doubt. There certainly no malintent to be a bad neighbor. We're here tonight to work on this.

Resident: Let's get together on Tuesday morning. We will meet here at 8:00am.

Steve G: I have a question as to when do you alledge taking control of the property? It takes seven years is my understanding and you can perfect that plan until you take ownership.

District Attorney Goulgeman: Correct We have taken control for the purposes of adverse possession within the last couplee of months. We have not taken control of the property as owners. The bottom line of this is that whatever is going to happen out there we don't know yet because the board hasn't directed staff even prepare some sort of plan for what we might do or how we might to it. If we can make a request today for rezoning we really couldn't and the reason is because we have no plan yet. Ultimately a plan will be developed it will have to be brought here for the elected officials to approve and I think the committed/homeowners is taking the lead on for the homeowners association Chairman Flanigan and others from district staff that will be one of the issues that they will tackle is if something is going to be developed lets

prepare a plan so that everyone knows what is going on. Lets prepare a plan in a way everyone can buy into hopefully and lets try to make it work. Its not some sort of secret meeting we all have to work together and as I indicated previously I think there's ultimate advantages to everybody if we can do that

District Engineer Fradley: There are some things we can do such as drainage related however; the deed that we have allows us to do it.

Steve G: I don't know if you're aware homeless people have lived on the property at times which would be against your adverse possession claim.

District Attorney Goulgeman: There are certain things you must do to perfect an adverse possession claim and to my knowledge none of those homeless people have done that and given their economic spread I doubt they'll be able to do that because taxes have to be paid out, needs to be a substantial enclosure on the property as the Statute requires, paperwork has to be filed with the County we will be paying the taxes. No taxes have been paid for a couple of years. I don't think the property appraisal's office knows why that is...ultimately the homeless situation which is not too good for the homeowners can be ended. We have no idea who would end up buying the property if we go through some sort of failure to pay taxes and foreclosure. On the other hand we're alleging an adverse possession claim and that would give us ultimately the right to take title to the property. So far that's the cleanest way to do it. Let me suggest this for whomever will be on the committee for the district for the homeowners. It may be that something can be worked out. Our ultimate goal is not much different than yours it's to take title to some of that property so we could do something with our operation here but don't want to be adverse to the neighborhood. The flipside of that is whoever takes title to the North part can properly buffer it and properly have the authority to supervise it, provide for insurance, the taxes and wiser people with mesh this out. It would be up to the committee to come up with a good solution.

Chairman Flanigan: Thank you.

District Attorney Goulgeman: Mr. Chairman can I suggest that before you all adjourn tonight that the board trying to get this thing together and maybe we need to get some direction from you all on who should be on this committee and let the owners know. I would suggest one member of the Board. whoever that may be.

Vice Chairman Doc Szerlip: I would like to be in on the meeting.

Chairman Flanigan: That would be a violation of Sunshine Laws. We stop the cutting of trees moving forward and moving the fence. It would be myself and Angel. Tuesday at 8:00am.

District Attorney Goulgeman: It very well could be.

Residents: (I don't think as a homeowner they have a legal right to do place a fence.

District Engineer Fradley: We own rights to the property and some things you might want to do as a private person would conflict with the agency already has; that's the challenge with the private person; it's restricted by the easement; so you can't build anything;

Smith/18th St.: did the City of Plantation approve work being done?

District Engineer Fradley: Not necessary to approve the fence; keep in mind PAID is a charter issued by the State of Florida; we have our own domain for drain; drainage works not approved by the City of Plantation. Anything drainage related. Some things we need a permit for others not. It's what's specified in the deed for use;

Resident: We would like to file the paperwork for adverse possession.

Resident: We will consult with our attorney and meet you on Tuesday at 8:00am.

Commissioner Varnell: In light of the fact that they said they Reggie White has an issue with it I think that before we get to a Tuesday meeting protocol one two or three of you should be on a call with Reggie or have him come over and discuss the situation so we can clarify our right to put the fence up on the property subsequent to our easement use. Reggie may not be aware and we need to let him know why we're doing this.

District Engineer Fradley: A fence around our easement has never been required; we will contact Reggie.

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MINUTES –

Motion made by Vice Chairman Szerlip to approve the regular meeting minutes of November 21st, 2019 and second by Commissioner Nieset to approve the minutes of the minutes of November 2019 as presented. Motion carried unanimously by voice vote.

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DISTRICT ADMINISTRATOR'S REPORT:

District Administrator Telles: Provided an overview on the Consent Agenda for November/December 2019 that has not changed and Cash Flow. Overview presented and attachment provided to the Board.

Motion made by Chairman Flanigan to approve the Consent Agenda and Cash Flow for November and December , 2019 and second by Commissioner Varnell of as presented. Motion carried unanimously by voice vote

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District Attorney Goulgeman : *LEGAL REPORT:*

Memo

To: Chairman and Members of the Board of Commissioners

From: Paul Gougelman, General Counsel

Date: January 23, 2020

Re: Objections By Property Owners To Development of the Adverse Possession Parcel

Within the past ten (10) days, I have learned that some homeowners living on property to the North of the parcel that P.A.I.D. is seeking to adversely possess (the "Adverse Possession Parcel") and possibly other individuals, have come to together to raise objections. This memorandum will give you some background information in preparation for tonight's meeting.

Around January 14th, Angel Alvarez was contacted by the President of the homeowner's association ("HOA") of property to the North on 19th Street. The President asked Mr. Alvarez how P.A.I.D. became the owner of the Adverse Possession Parcel. Apparently the HOA desires to install a privacy gate (Entrance), and they have questions regarding ownership of the Adverse Possession Parcel. Additionally, concerns from these residents is a concern about development and aesthetics of any development on the Adverse Possession Parcel. They plan to attend the meeting this evening.

On Friday, I received a call from an attorney, Richard Coker, who represents one or two of the residents whose homes abut the Adverse Possession Parcel. Mr. Coker is a longtime attorney in Broward and quite capable in his practice. Both David Fradley and I have dealt with him over the years.¹ He asked about how P.A.I.D. came to own the property. I explained that P.A.I.D. had received from the South Florida Water Management

¹ I also called both David Fradley and Joe Telles to advise them of the situation, but due to a family emergency on Joe's part, I was unable to reach him.

District an easement for canals and other drainage works with the right to remove gravel and stone from the property. Additionally, I advised that we were exercising rights of adverse possession to finalize ownership of the property.

Attorney Coker also asked that P.A.I.D. stop fence construction and tree removal at least until the Thursday, January 23rd District meeting. Stressing that P.A.I.D. wanted to be a “good neighbor,” I responded that I would contact District staff in that regard. I talked only briefly with him on Friday, and we agreed that we would talk further on Tuesday preceding the P.A.I.D. meeting.

I promptly called Angel Alvarez, who advised that he had already talked with the residents and temporarily suspended work on the fence and the Adverse Possession Parcel. He also advised that the HOA residents and attorney had been invited to attend our meeting. Additionally, the South Florida Water Management District had been invited, since they had raised some questions about the proposed use of the Adverse Possession Parcel.

On Tuesday, Mr. Coker and I talked further. He asked for a copy of the easement conveyed to P.A.I.D. He also advised that the P.A.I.D. needed a permit for the fence it was erecting along the property boundary with his clients’ property. I advised that I was unaware whether the District had applied for such a permit, and that if the District had not already done so, I felt certain it would be promptly apply for it, if needed.

Attorney Coker also advised that his clients had heard that a storage lot for equipment was being developed on the Adverse Possession Parcel. His concern was that the facility sounded like something industrial backing up to million dollar homes. He kept reiterating that the property needed to be rezoned, since it was zoned for residential purposes. I advised him that at the present time P.A.I.D. wanted only to remove some nuisance species trees and a lot of underbrush to clean up the parcel and to erect the fence for adverse possession purposes. I also advised that no rezoning had been requested, because no plan of development had created, and certainly no plan had been approved by P.A.I.D.

I asked him how many objectors planned to attend Thursday’s meeting, since we have limited seating. I also suggested that it would be helpful if the residents could formulate their desires, so that the District Board would have something to consider. I indicated that from conversations with Angel Alvarez and David Fradley, I concluded that the residents had concerns about: (i) being able to put in their subdivision gate (and might actually need some land from the Adverse Possession Parcel); and (ii) being adequately buffered from whatever development P.A.I.D. might ultimately plan for the Adverse Possession Parcel. Perhaps the residents might want to form a small group of a few people to work with our staff to develop a plan to resolve these issue.

I was out of the office on business all day yesterday, but Attorney Coker did contact me yesterday to advise that 8-10 residents may attend the P.A.I.D. meeting. In addition to representatives of the City of Plantation. He further advised that his presentation to the P.A.I.D. Board would note that the Adverse Possession Parcel is zoned RS 1EP. Single family homes and accessory uses, along with some recreation uses, are permitted. He strongly noted that there is no use contemplated by P.A.I.D. that would be permitted in his view. Likewise, he feels confident that Plantation requires a permit for the installation of a fence and for the removal of any trees. He finally noted that he feels P.A.I.D. is a long way from being able to use the property for any purpose.

pc: Angel Alvarez, District Manager
David Fradley, District Engineer
Joe Telles, District Administrator

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ENGINEER’S REPORT

A. CONSENT ITEMS

A1. A1. VPE Estates (C1511.01).....Asbuilt

**ENGINEER'S STAFF REPORT
FOR January 23, 2020
MEETING AGENDA ITEM No.: A1**

Action Required: Consent Approval Item Description: VPE Estates Asbuilt

P.A.I.D. Number: C1511.01

Attachments: Asbuilt Survey (11x17 Reduction) Engineer's Letter of Certification Final Inspection Report

Summary: This project has been completed in substantial conformance with the approved plans.

Recommendation: APPROVE

Prepared by: DAF Date: 1/15/2020

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B. **QUASI-JUDICIAL ITEMS** – The items in this section are quasi-judicial in nature. If you wish to object or comment upon any of these items, you must be sworn before addressing the Board of Commissioners, and if you wish to address the Board, you may be subject to cross-examination. If you refuse to submit to cross-examination, the Board of Commissioners will not consider what you have said in its final deliberations.

NONE

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C. **BOARD ACTION ITEMS-**

NONE

District Engineer Fradley: Overview on pump information. Approval not needed tonight. Information provided as an update.

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D. **DISCUSSION ITEMS:**

D1. Pump Stations Improvement (D1707.01).....Status

**ENGINEER'S STAFF REPORT
FOR January 23, 2020
MEETING AGENDA ITEM
No.: D1**

Action Required: Discussion Item Description: Pump Stations Improvement Status

P.A.I.D. Number: D1707.01

Attachments: None

Summary: Plans were submitted to the SFWMD and FDEP. The FDEP responded with confirmation that the project is exempt from an NPDES permit and the application was withdrawn. The SFWMD is processing the application.

Bid Documents have been prepared. The project will be advertised following this meeting. The bid documents will be posted on DemandStar and handled electronically. The bid opening (hard copy) is planned for Tuesday, March 17th, at 3:00 pm in our office.

The project contains six phases, with each phase comprised of a single pump station. We are requiring that the phases be constructed serially with no more than one station being offline at a time. We are limiting the time that a station can be offline to 60 days.

A Notice To Proceed (NTP) will be issued for each phase. Each pump takes between 18 and 22 weeks to fabricate. We are allowing 245 days for the initial phase and 185 days for the subsequent phases. Beginning with the third phase, a NTP could be issued for fabrication prior to the completion of the active phase. It could be possible, if the budget allows, to improve one station in Fiscal Year (FY) 2020-2021, two station is FY 2021-2022, and three station in FY 2022-2023. The bid documents contain this schedule.

Our recommendation for selecting the order of stations to be improved is to focus on the stations that have not been recently improved and selecting the first one to be the least critical, meaning the station that we could do without for the longest time. This logic follows the strategy of declaring the first phase as the prototype with the potential for the most unforeseeable issues. Stations 2, 5, and 6 were repaired following the 2017 storms. That leaves Stations 1, 3, and 4. Station 1 drains the largest and lowest areas and the high school. Station 4 drains the commercial areas and has the largest lake areas, which will provide relief to an adjacent area with an offline pump. This leaves Station 3 as our recommended candidate for the initial phase, followed by Station 4, 1, 6, 5. We prefer that Station 1 be improved during the dry season, therefore, the order for Station 4 and 1 could be switched, depending on the time of year. All of the above requires Board consideration and discussion. Now would be the time for changes.

D2. Facilities Maintenance Manual (D1907.01)Discussion

District Engineer Fradley: Overview provided. At some point will need Angel to start identifying whats in the ground that I don't have records on. I will continue to revise.

**ENGINEER'S STAFF REPORT
FOR January 23, 2020
MEETING AGENDA
ITEM No.: D2**

Action Required: Discussion Item Description: Facilities Maintenance Manual Discussion

P.A.I.D. Number: D1907.01

Attachments: Quadrant Worksheet Segment of Master Facilities Map with Grid Draft Copy of the First Three Sheets of Facilities Book

Summary: The Facilities Manual has been created. A hard draft copy will be presented at the meeting and displayed on the monitor. The Manual format, the facilities identification format, and various data fields have been established. The known existing facilities have been plotted, but require refinement.

To establish unique identifiers for each item, the District was divided into two sections: 1. The "A" Canal section, running between 118th Avenue and 112th Avenue from the North New River Canal to NW 28th Court (A); and 2. The "B" Canal section, running between 124th Avenue and 118th Avenue from North New River Canal to NW 28th Court (B).

Sections "A" & "B" were divided into seven sections, one for each main canal and one for Plantation Acres South (PAS), then further divided into the four cardinal quadrants: NE, SE, SW, NW. There are no south quadrants in PAS. The quadrants were then further divided into a grid, small enough to provide unique identifiers in each quadrant. The quadrant worksheet and a sample of the grid map is attached.

The database contains the identifiers, plan sheet numbers, type, location and other data. The size, type, material, and condition of the facility is incomplete. Some of the data is known and is being added. The information will be determined by a search of old projects and files and inspections by District Staff.

D3. Permit Activity (D9408.02 & D9408.03)Summary

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saying that if there's some legal questions that Lou might not be able to answer I'm wondering whether we should have representation there at the same time.

District Attorney Goughman: My recommendation to you would be that you consider this, that if we decide to have representation there they'd probably will have representation there and we're just going to make this thing more blownup.

District Manager Alvarez: Can I record the meeting?

District Attorney Goughman: It's a good idea Angel. Although this is not an official committee meeting of the district it's probably a good idea to notice it and someone should take some rudimentary meeting minutes.

Chairman Flanigan: Is it possible that you might contact me and tell me not to go

District Attorney Goughman: No. As long as you're the only member of the board that's there.

District Engineer Fradley: As long as everyone is here are you committed to owning that property? We need a fence in order to pursue it. We've got the reservation. The City will probably want to rattle their sword that we don't own it.

Chairman Flanigan: I think the fence will be down before we...

Vice Chairman Szerlip: Let's say that fence is legal on our part to have it. According to Paul in order for this to go on forward the fence has to be there am I right? If they take the fence down and if not are we taking it down?

District Attorney Goughman: If we're going to pursue an adverse possession claim there may be other ways to obtain the property but they may be less desirable.

District Engineer Fradley: The easement will give me some power. I'm concerned because we doing the fence to take possession of it and not for drainage purposes. That could be challenge...fencing it in just to take possession I don't think its in the...

Commissioner Varnell: Here's the problem now that we're taking this stance in my opinion we would be responsible if the trees fell on his house at that point. If we're doing adverse possession and we have the drainage easement and fencing in for ownership of the property and our tree falls on that guys house I think he would have a good case.

District Engineer Fradley: I agree because your claiming you have possession adversely for a long time.

Commissioner Varnell: Their argument to not take trees down I would be against because if we're going to do an adverse possession I personally the board going to vote and I' fine with whatever decision the board makes I think we should go for the property because no one has it right now and it gives us a safety valve in the future. It's it's decided when you meet with Reggie that you need a permit to remove the garbage trees I think we need to go for that as well. Since now we would be liable.

Chairman Flanigan: You say we paid the 2017/2018 taxes on the property. Are they willing to take over the taxes?

District Administrator Telles: Yes and they refunded to us..It's tax exempt. According to Holly if we pay the taxes for two years we can file the paperwork and take title after two years.

Chairman Flanigan: How does that come into the seven years?.

District Administrator Telles: I think that's after auctioning the property off and the residents can take it over at auction.

District Administrator Telles: I spoke with Paul and we think we came up with an idea and would like the board to authorize me spending up to \$1,000.

Commissioner Varnell made a motion to allow District Administrator Telles to spend up to \$1,000 for the availability to take ownership of the property second by Vice Chairman Szerlip. Motion carried unanimously by voice vote.

Chairman Flanigan: On this particular item role call please. Chairman Flanigan (yes) Commissioner Varnell (yes) Commissioner Nieset (yes) Vice Chair Szerlip (yes). Motion carried unanimously by voice vote.

District Engineer Fradley: (Read the Rights) ...Judgement to us... is the important line in the the rights.

Commissioner Varnell: We had stated to the residents that we were fencing it in for equipment storage so to make that motion now changes what we said our intentions were and makes us like...

District Attorney Gougman: Respectfully, I don't think that's what we said. We said that we're fencing it in for adverse possession purposes because it's required by the law. Now the equipment compound which I've repeated and let Coker know is that's some kind of ultimate conceptual plan but nobody even in this room now knows exactly what that means. There is no plan formatulated and no plan has been brought to you all for approval. I think what has happened is that the residents have heard that and said "Oh My GOD" there's going to be some kind of industrial facility back there next to my million dollar home. I can understand their reaction. Ther's no problem making a motion...think there's good medicine on what your saying and on one here is saying how the fence is to be erected. Staff will have to work out and where it's to be placed. Ultimately, that may be something that comes out of the citizen's group next week and how to make that work and then it would be reported back to you all. This is an informal group. Need Flexibility. We're only able to make an adverse possession only for the part we fence in. That's the point I was trying to make to them that what your going to have is a left over piece Redland Holding's that no one owns. Some were nodding good.

Chairman Flanigan: Can we agree on a 20' withdrawal?

District Attorney Gougman: I can't tell you what you should do however; I think you need to have the flexibility along with David to talk with them and talk through and whatever David and Chairman agree with is not binding because it's ho action with the district. This is an information conversation. We can advertise it for Sunshine purposes to make sure we're covered. The bigger this committed gets the more awkward it will get.

District Engineer Fradley: This all stated because they want to gate it. There's no right of way. Maybe they could spend some money and ask they what they want to do and how can we help. They could put up a nice wall. With the permitting we can put in the language.

District Attorney Gougman: One thing that can come out of this is they agree that we should move forward with our adverse possession claim we should take title to the hole thing and when that is perfected there somebody clearly that's the owner of the property and has jurisdiction over it and maybe it's the District's desire at that point to convey a portion of that property to them. Need need the Redlands so that they could get a permit. The problem they will have even adversely possessing that property is not to their ultimate advantage because we have the easement rights and we can still do something with that property and whatever we might do out there...understand that what's happening here is that we're all moving forward trying to feel our way because I don't think anybody knows exactly where this is going to go or the best solution is and the only way to difuse it is for a small handful of people to sit down and have a rational decision about it. We may not be able to work it out. If we can' reach an agreement surely the have to realize what are we all going to do go to court and waste money on legal fees? As a lawyer I'll be the first one to tell you I don't think that's to anybody's advantage. What everybody needs to understand is their us as constituents and we're them because their part of the District. Their not like we're some hideous conspiracy the agency coming down from Washington ordering them around. The only way to overcome is by good-will. I won't be there on Tuesday..as soon as you get lawyers involved...I will call Coker and ask if he's attending.

Motion made by Vice Chairman Szerlip and second by Commissioner Varnell acknowledging the need to protect PAID's rights for use, as defined in the deed, of the property recently acquired from the South Florida Water Management District, by fencing the perimeter of the property. Motion carried unanimously by voice vote.

