

Pine Tree Water Control District Amended Water Control Plan May 2022

Prepared by:



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West Palm Beach, FL 33417
561-753-9723

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Engineer's Certification

I hereby certify, as a Professional Engineer in the State of Florida, that the information in this Amended Water Control Plan for Pine Tree Water Control District was assembled under my direct responsible charge. The information provided herein was based on the information available and obtained from public records and information provided by Pine Tree Water Control District board members. This certification is provided in accordance with the Florida Board of Professional Engineers Rule of Certification under Chapter 61G15-23.003. This Amended Water Control Plan was prepared in accordance with Florida Statute Section 298.

This item has been digitally signed and sealed by Dana I. Gillette, PE on the date indicated adjacent to the seal.

Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

Dana I. Gillette, PE
Florida Professional Engineer No. 41913
Erdman Anthony
5405 Okeechobee Blvd., Suite 200
West Palm Beach, FL 33417

05/31/2022

Date

Introduction

This document is an amendment to the following previous Water Control Plans for Pine Tree Water Control District:

- Amended Water Control Plan dated July 2019 prepared by Erdman Anthony
- Amended Water Control Plan dated August 2014 prepared by Higgins Engineering, Inc. (attached as Exhibit A - 2014 Water Control Plan)
- Amended Water Control Plan dated July 2009 prepared by Higgins Engineering, Inc. (attached as Exhibit B - 2009 Water Control Plan)
- Water Control Plan dated 1976 prepared by William G. Wallace, Inc. (attached as Exhibit C - 1976 Water Control Plan)

The primary purpose of this Amendment is to update the Amended Water Control Plan dated July 2019 prepared by Erdman Anthony to address roadways that the court has found that the Pine Tree Water Control District is required to maintain as a part of their Pine Tree Water Control District obligations¹.

A. Narrative Description of the statutory responsibilities and powers of the water control district.

The Pine Tree Water Control (Pine Tree Water Control District) was created by a circuit court decree dated May 17, 1971. The Pine Tree Water Control District statutory authority is derived from Chapter 298 of the Florida Statutes and Chapter 2009-270 (attached as Exhibit F - 2009 Legislation) and was later amended by Chapter 2018-170 (attached as Exhibit D - 2018 Legislation) to address the Pine Tree Water Control District boundaries. Pine Tree Water Control District is an independent special District and does not have ad valorem tax authority but rather uses a special assessment to execute its duties and related activities. The powers and responsibilities of the Pine Tree Water Control District are described in Florida Statute 298.

The Pine Tree Water Control District was created for the purposes of reclaiming and draining the land, protecting such lands from the effects of water by means of the construction and maintenance of canals, ditches, levees, dikes, pumping plants, and other drainage works and improvements, and for

¹ The August 11, 2021, court order requiring Pine Tree Water Control District to maintain certain, unpaved roadways within its jurisdiction, is currently under appeal, see case number 4D21-2749.

the purpose of making the lands within the Pine Tree Water Control District available and habitable for settlement and agriculture, and for the public convenience, welfare, utility, and benefit.

The Pine Tree Water Control District is responsible for operation and maintenance of the canals, ditches, levees, dikes, pumping plans, and other drainage works constructed to serve the lands within the Pine Tree Water Control District.

In addition, a court order dated August 11, 2021 issued by Circuit Court Judge G. Joseph Curley (which is currently under appeal) requires that Pine Tree Water Control District maintain the unpaved roads with the Rustic Ranches Subdivision of the Village of Wellington attached as Exhibit K – 2021 Court Order. The land underlying all of the unpaved roads in the Rustic Ranches subdivision is owned by the homeowners and is subject to an easement for ingress egress purposes. Most of the one-mile portion Flying Cow Road adjacent to the Rustic Ranches Subdivision, which is a paved road and therefore not included in the 2021 Court Order, is located within the Pine Tree Water Control District. The underlying land for that portion of Flying Cow Road is owned by the adjacent homeowners and falls within an easement for ingress and egress purposes.

B. A map delineating the legal boundary of the water control district and identifying any subdistricts or units within the district.

A map of the Pine Tree Water Control District boundaries is attached as Exhibit G - Pine Tree Water Control District Map. The boundary of the Pine Tree Water Control District is attached as Exhibit E - Boundary Description

C. Narrative descriptions of land use within the district and all existing district facilities and their purpose and function, and a map depicting their locations.

The Pine Tree Water Control District is comprised of approximately 4,074 acres of land in Sections 3, 4, 9, 10, 13, 14, 15, 23, 24, and 25, Township 44 South, Range 40 East in Palm Beach County, Florida. Flying Cow Road serves as a boundary along the eastern portion of the Pine Tree Water Control District; a portion of the northern boundary of the Pine Tree Water Control District is Southern Boulevard. Pine Tree Water Control District lies directly east of the Loxahatchee National Wildlife Refuge.

The lands within the Pine Tree Water Control District include the following major areas:

1. South Florida Water Management District (SFWMD) Stormwater Treatment Area – 1E (STA-1E). This project is complete and is owned, operated and maintained by the South Florida Water Management District. The Pine Tree Water Control District does not provide any drainage, canals, ditches, levees, dikes, pumping plants, or other works for this area.
2. Rustic Ranches homesites. The homesites in the Rustic Ranches neighborhood drain as described in the prior Water Control Plans. The lots continue to drain to roadside ditches and interceptor canals that flow towards the west to the seepage canal along the east edge of the South Florida Water Management District STA 1E and a South Florida Water Management District pump station S-361 that pumps water from the seepage canal into the STA 1E. All of the Pine Tree Water Control District canals, culverts, and control structures are located in and serve the Rustic Ranches neighborhood. The approximately one-mile portion of Flying Cow Road adjacent to the Rustic Ranches homesites falls within the Rustic Ranches subdivision.
3. Section 24 Impoundment area and park. This project is complete and is owned, operated and maintained by the Village of Wellington to provide flood attenuation and water quality treatment for the portion of the Village of Wellington known as Basin B. The project was designed and developed by the Village of Wellington to serve as a filter marsh to treat polluted stormwater to reduce phosphorus levels as required by the 1994 Everglades Forever Act. The Section 24 Impoundment is separated from the other Pine Tree Water Control District lands to the north, west, and south of it by a perimeter berm within the Section 24 Impoundment project that would only be overtopped during a major storm event. The Village operates a pumping station to pump water into the impoundment and gated culverts to return water from the impoundment to the C-1 canal. The C-1 canal is located on the east side of Flying Cow Road outside of the Pine Tree Water Control District boundaries. The Pine Tree Water Control District does not provide any drainage, canals, ditches, levees, dikes, or pumping plants for this area.
4. An equestrian farm. A 78 acres equestrian farm is located between the Section 24 impoundment and the Flying Cow Ranch. This property includes a drainage system that drains to the west to the SFWMD STA1E perimeter canal and does not interconnect with the Pine Tree Water Control District canal system.
5. Flying Cow Ranch (aka Big Blue Tree Farm which is a farm/future development site). This 114-acre site is located at the southern limits of the Pine Tree Water Control District boundaries and has historically been farmed. When it is developed, this land will need to design and construct drainage systems to facilitate the development.

D. Engineering drawings and narrative sufficient to describe each facility's capacity for the management and storage of surface waters and potable water supply, if applicable.

There have been no changes to the drainage facilities since the last Water Control Plan.

The Pine Tree Water Control District facilities include the following:

- Roadside ditches along the unpaved roads within Rustic Ranches. These roadside ditches convey runoff from the roads and lots to the canals. These ditches include driveway culverts.
- Three canals running east-west, along the north edge, south edge, and middle of the Rustic Ranches neighborhood. Based upon the design criteria contained in the William G. Wallace Inc. Water Control Plan (1976), the canal cross-sections were designed to accommodate a 1-inch per day of runoff/removal per rainfall event. The canal cross-sections vary from a depth of 3 feet to a depth of 8 feet. Side slopes transition from 4:1 above water control elevation to a 2:1 below water control elevation. The bottom width of the canals varies from a minimum of 4 feet to 6 feet and greater.
- Interceptor canal running north south approximately ½ mile west of Flying Cow Road.
- Levee around the Rustic Ranches neighborhood.
- As documented in the South Florida Water Management District Permit No. 50-00458-S (application #090610-9) issued on January 4, 2010 (Attached as Exhibit I - 2010 Permit), a culvert and flashboard riser control structure connect the Pine Tree Water Control District canal system to the South Florida Water Management District STA 1E Seepage Canal at the west edge of the Rustic Ranches neighborhood. The seepage canal is controlled by the South Florida Water Management District's S-361 pump station so that the water level in the seepage canal is maintained between elevations 10' and 12' NGVD 1929.
- The unpaved roads within the Rustic Ranches subdivision as required by August 11, 2021 court order (which is under appeal).
- A map of these facilities is attached as Exhibit J - Rustic Ranches Map

E. A description of any environmental or water quality program that the water control district has implemented or plans to implement.

There are no changes, including environmental or water quality, that have been implemented or that are planned. Should lots within the Rustic Ranches neighborhood develop or redevelop, they are subject to the land use and grading criteria in the South Florida Water Management District permit and must obtain a permit from the South Florida Water Management District and other appropriate

agencies. Permit #50-00458-S (application #140130-2) issued by the South Florida Water Management District dated March 7, 2014, attached as Exhibit H - 2014 Permit, describes the development criteria for property owners developing or redeveloping their property.

F. A map and narrative description of any area outside the water control district's legal boundary for which the district provides services.

There are no lands outside the Pine Tree Water Control District that receive services from the Pine Tree Water Control District.

G. Detailed descriptions of facilities and services that the water control district plans to provide within 5 years.

There are no facilities planned to be constructed. The Pine Tree Water Control District plans to continue the following services:

- Aquatic spraying of the canals to control plant growth
- Mowing of the roadside ditches, canal banks, levee banks, and top of the levee
- Cleaning and/or maintaining culverts and water control structures
- Activities necessary to comply with the permit conditions.
- Maintaining the unpaved roadways within the Rustic Ranches subdivision as required by the August 11, 2021 court order (which is under appeal).

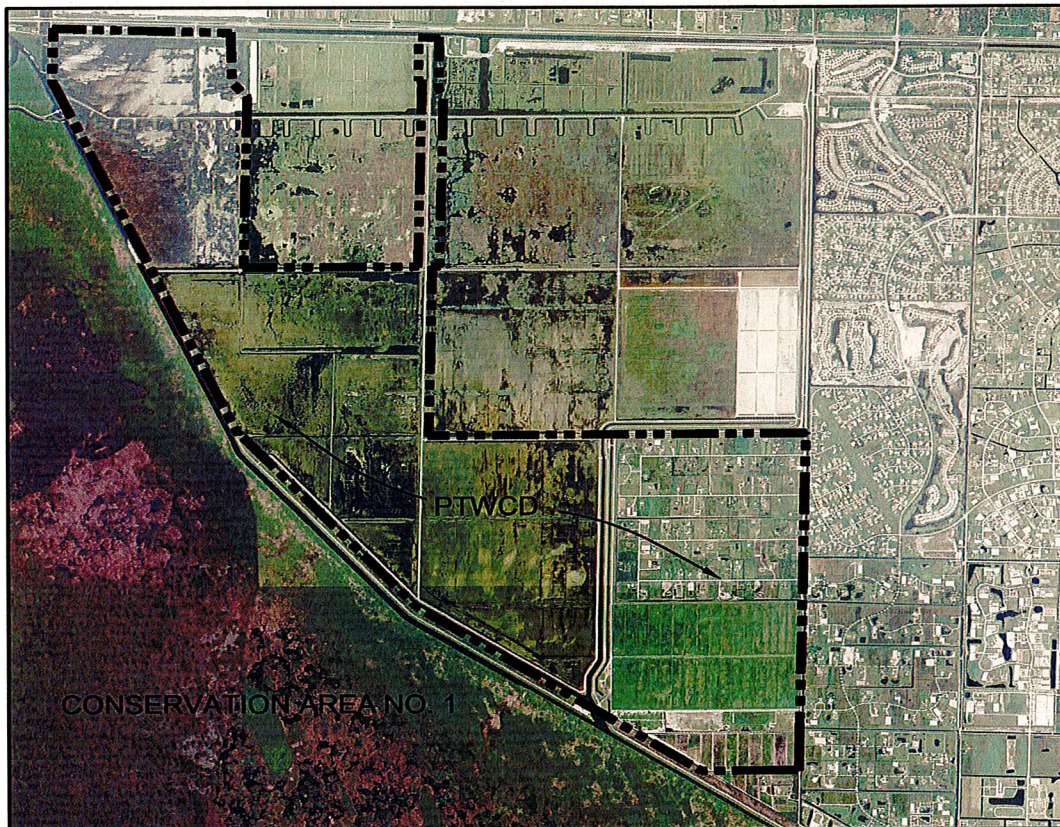
H. A description of the administrative structure of the water control district.

The Board of the Pine Tree Water Control District is comprised of three members elected by the landowners within the Pine Tree Water Control District on a one acre one vote basis. The Pine Tree Water Control District Board is responsible for engineering, operational, and administrative services for the Pine Tree Water Control District. Meetings are usually held on a regular basis four times a year. The Pine Tree Water Control District contracts with various service providers to maintain the facilities.



Exhibit A - 2014 Water Control Plan

**Amendment to the
AMENDED WATER CONTROL PLAN
Pine Tree Water Control District**



Prepared by:
Higgins Engineering, Inc.

August 2014

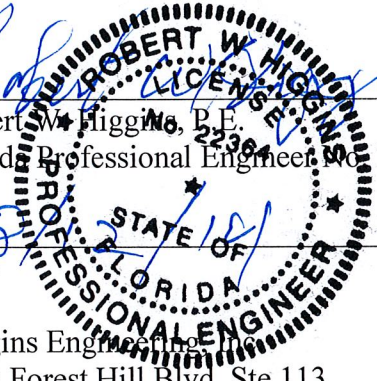
4623 Forest Hill Blvd., Suite 113
West Palm Beach, FL 33415
(561) 439-7807

09-20.1

Engineer's Certification

I hereby certify, as a Professional Engineer in the State of Florida, that the information in this Amended Water Control Plan for Pine Tree Water Control District was assembled under my direct responsible charge. The information provided herein was based in part on the information that was available and obtained from sources identified in this Amended Water Control Plan. This Plan is not intended or represented to be suitable for any reuse without specific verification or adoption by the Engineer. This Certification is provided in accordance with the Florida Board of Professional Engineers' Rule on Certification under Chapter 61G15-29, Florida Administrative Code.

In accordance with Section 298.301(1), and Section 298.225(8) , F.S., I hereby certify that all the land subject to the previously adopted Plans for Pine Tree Water Control District, to the extent that said lands are affected by the Amendment to the Amended Water Control Plan for PINE TREE WATER CONTROL DISTRICT, comply with the criteria set forth in Section 298.225(8), F.S. wherein the Amendment does "not result in a revision of the District 's current Plan or require the increase of any levy assessments or taxes beyond the maximum amount previously authorized by general law, special law or judicial proceeding, a change in the use or said assessments or taxes or substantial change to District facilities, or that it is a minor insubstantial amendment to district plans or engineer's reports". "Minor, insubstantial amendments include amendments to the water control plan, which replace, relocate, reconstruct, or improve and upgrade district facilities and operations consistent with the adopted water control plan, but which do not require increasing assessments beyond the maximum authorized by law or amendments to engineer's reports which do not increase the total assessment of benefits."


Robert W. Higgins, P.E.
Florida Professional Engineer No. 22364

Date 5/22/18
Higgins Engineering, Inc.
4623 Forest Hill Blvd, Ste 113
West Palm Beach, FL 33415

(Reproductions are not valid unless signed,
Dated and embossed with an Engineer's Seal)

Disclaimer

This document is a copy and is being provided at the request of Pine Tree Water Control District for informational purposes only. The signed and sealed original of this document was filed with Pine Tree Water Control District, 12300 Forest Hill Boulevard, Wellington, Florida.

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I. INTRODUCTION

A. General

The purpose of this Amendment to the Amended Water Control Plan is to revise and amend the current Amended Water Control Plan (f/k/a Plan of Reclamation), approved by the District on behalf of Pine Tree Water Control District (see Exhibit 1). The District Board, with concurrence from the District Engineer, authorized this Amendment to the Amended Water Control Plan.

B. Current Status of the Amended Water Control Plan

The improvements specified in the Amended Water Control Plan, as previously amended, consist generally of a water management system and associated improvements. However, the option to install a new 18,000 gallon per minute pump station has not been implemented.

II. AMENDMENT TO THE AMENDED WATER CONTROL PLAN

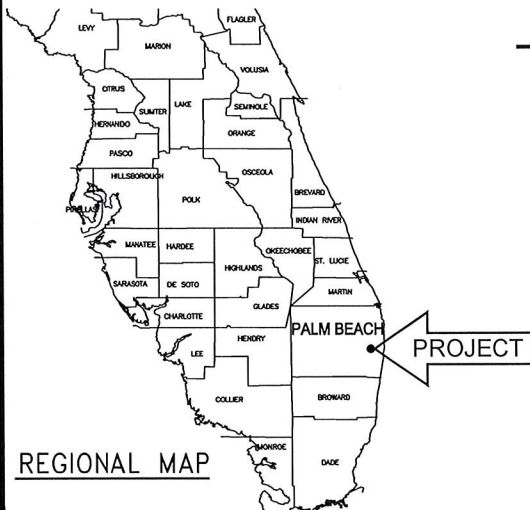
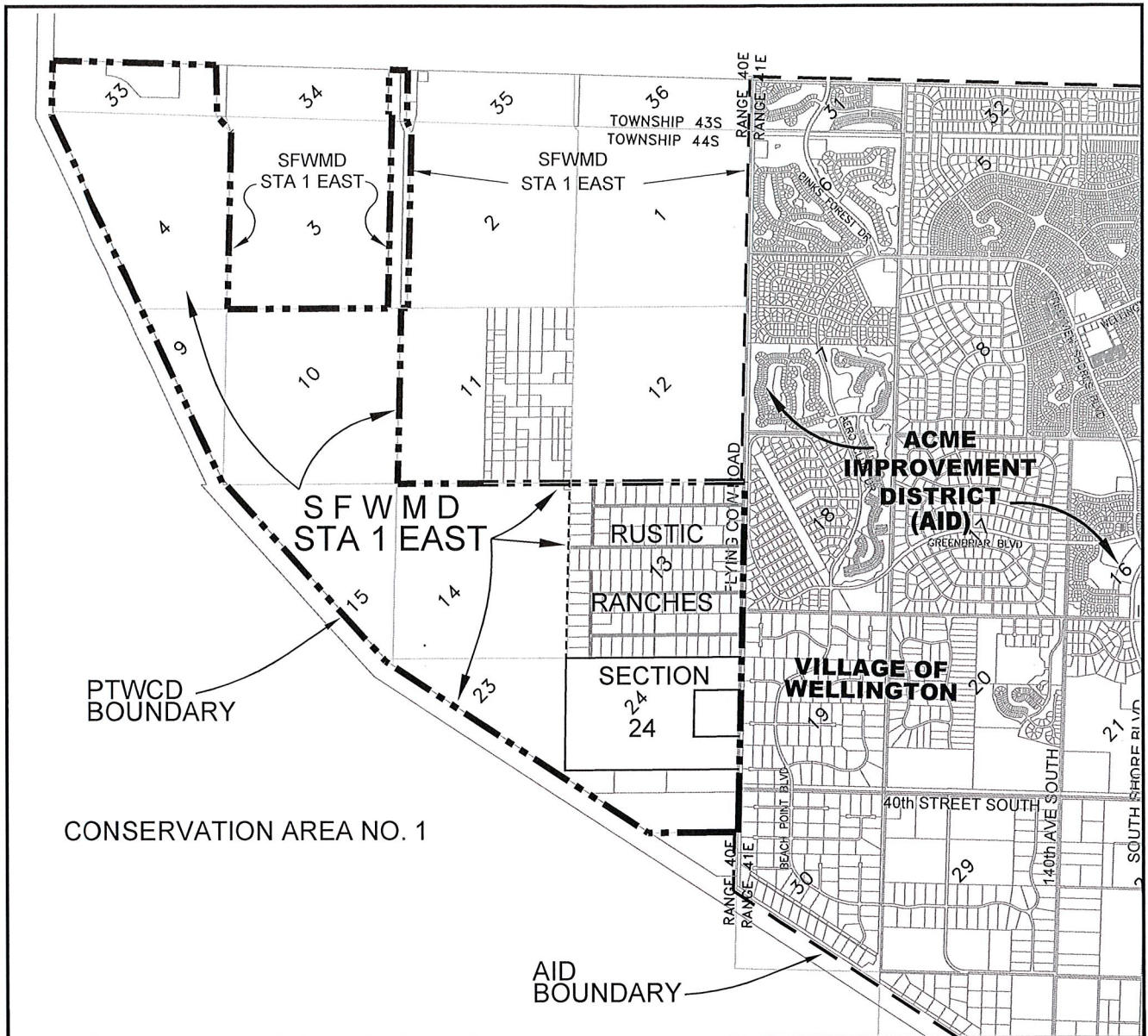
A. Description

Presently, the Rustic Ranches area within the District drains by gravity westward to the South Florida Water Management District seepage collector canal. This gravity water control structure is a flashboard riser connected to a culvert. The Amended Water Control Plan, at the direction of the Board of Supervisors, included an analysis of installing an 18,000 gallon per minute pump station to drain Rustic Ranches. The cost of this improvement was estimated to be \$684,000. Since then, the Board has decided the cost versus benefit is not sufficient to justify the installation of the pump station. However, the Board continues to deliberate proposed improvements to the gravity control structure. Once these improvements are decided by the Board, then the water control plan will be modified to reflect the new water control structure.

B. Amended Maintenance Responsibilities

Maintenance responsibilities for the Pine Tree Water Control District will remain the same as they are today.

EXHIBITS



VICINITY MAP

N.T.S.



0721-Rustic\LocMap-3C amendment.dwg



HIGGINS ENGINEERING, INC.

4623 FOREST HILL BLVD.
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ENGINEERING BUSINESS NO.4209
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PINE TREE WATER CONTROL DISTRICT AMENDMENT TO THE AMENDED WATER CONTROL PLAN LOCATION MAP PALM BEACH COUNTY, FL

DESIGNED — DATE 11/08	DRAWN D.A.B. SCALE 1"=5000'	CHECKED <i>Rust</i> APPROVED <i>Rust</i>	JOB NO. 09-20.1 SHT. 1 OF 1
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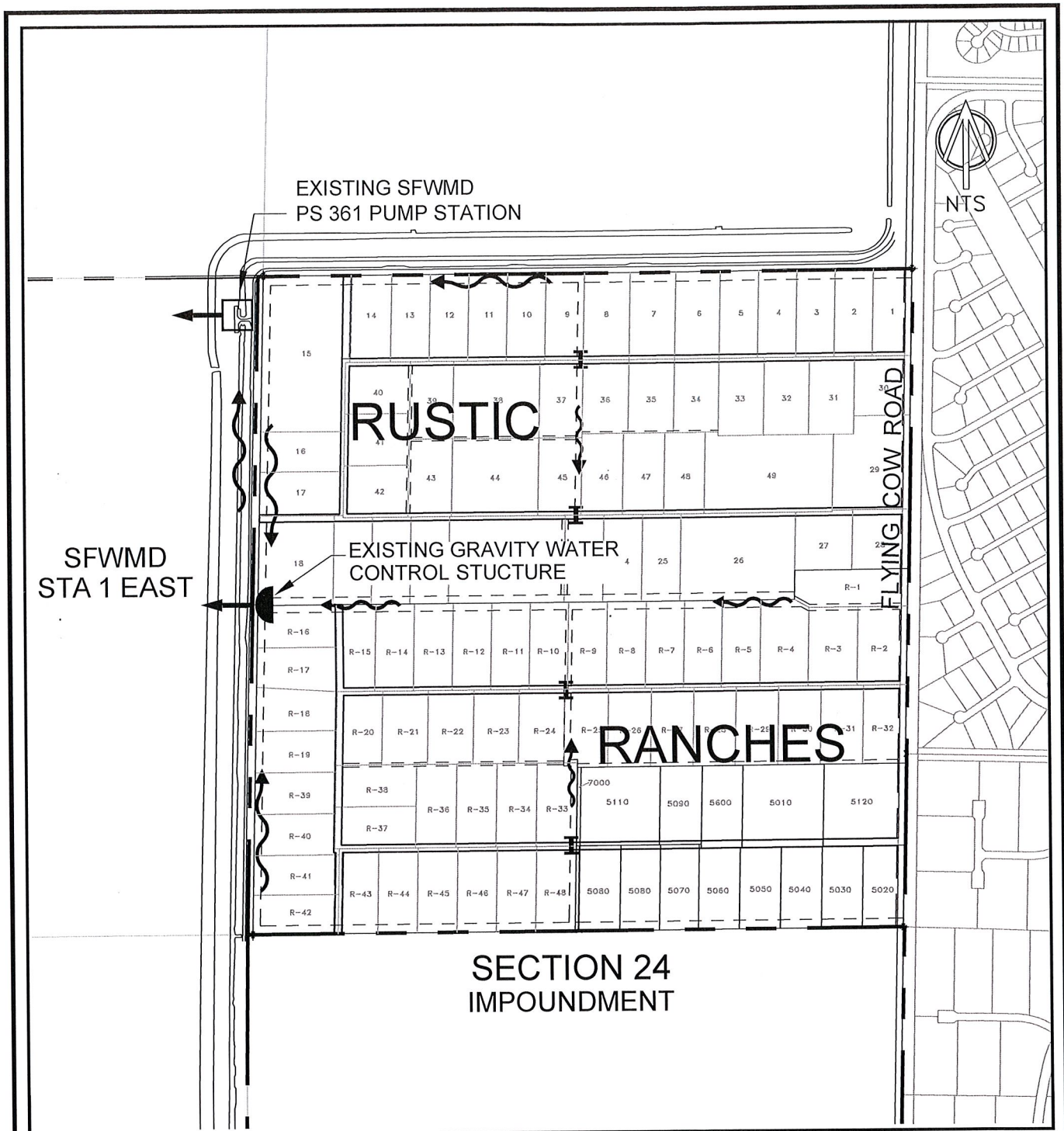




Exhibit B - 2009 Water Control Plan



AMENDED WATER CONTROL PLAN

Pine Tree Water Control District



Prepared by:
Higgins Engineering, Inc.

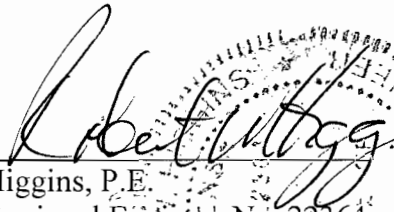
July, 2009

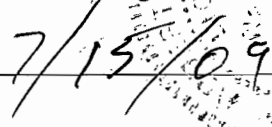
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West Palm Beach, FL 33415
(561) 439-7807

07-21.4

Engineer's Certification

I hereby certify, as a Professional Engineer in the State of Florida, that the information in this Amended Water Control Plan for Pine Tree Water Control District was assembled under my direct responsible charge. The information provided herein was based in part on the information that was available and obtained from sources identified in this Amended Water Control Plan. This Plan is not intended or represented to be suitable for any reuse without specific verification or adoption by the Engineer. This Certification is provided in accordance with the Florida Board of Professional Engineers' Rule on Certification under Chapter 61G15-29, Florida Administrative Code.


Robert W. Higgins, P.E.
Florida Professional Engineer No. 22364


Date

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Exhibits

1. Pine Tree Water Control District Location Map
2. Pine Tree Water Control District Major Areas
3. Pine Tree Water Control District Topography
- 3A. Pine Tree Water Control District Soils Map (2 sheets)
4. Pine Tree Water Control District Land Use
5. Pine Tree Water Control District Existing Canals and Culvert Facilities
6. Pine Tree Water Control District Swale Maintenance Plan
7. Proposed Pump Station Graphic
8. Pine Tree Water Control District Easements
9. Engineer's Probable Cost of Construction Estimate for Pump Station

Appendices

- A. Legal Description

I. Introduction

A. General

The purpose of this report is to provide an amended water control plan for the Pine Tree Water Control District (PTWCD). This district was created by a circuit court decree dated May 17, 1971. The District statutory authority is derived from Chapter 298 of the Florida statutes. Pine Tree Water Control District is an independent special district and does not have ad valorem tax authority but rather uses a special assessment in order to execute its duties and related activities.

The Board of the Pine Tree Water Control District is comprised of three members elected by the landowners within the District on a one acre one vote basis. Currently, the Pine Tree Water Control District's Board has appointed staff of the Village of Wellington to provide engineering, operational and administrative services for the District. Meetings are usually held on a regular basis four times a year.

The Pine Tree Water Control District is comprised of approximately 4,022 acres of land in Sections 3, 4, 9, 10, 13, 14, 15, 23 and 24, Township 44 South, Range 40 East in Palm Beach County, Florida. Flying Cow Road serves as a boundary along the eastern portion of the District; a portion of the northern boundary of the district is Southern Boulevard. PTWCD lies directly east of the Loxahatchee National Wildlife Refuge. See **Exhibit 1 - "Pine Tree Water Control District Location Map"**. See Appendix "A" for a legal description of the District.

B. Authorization

The PTWCD's Board has authorized the preparation of this Amended Water Control Plan.

C. Acknowledgments

This Amended Water Control Plan is based in part on information and data contained in the Water Control Plan prepared by William G. Wallace transmitted January 23, 1976.

D. Purpose and Scope

The purpose of this Amended Water Control Plan is to document the existing facilities owned, operated, or maintained by the District and to accurately depict the status of the drainage system within the Pine Tree Water Control District. The drainage system for the Pine Tree District has changed since the initial formation and when its original Water Control Plan was formulated. At the request of the Board of Supervisors on February 12, 2009, the Engineer has also evaluated the option of installing a separate 18,000 gpm pump station for flood protection.

E. Lands Within Pine Tree Water Control District.

The lands within the Pine Tree Water Control District may be broken up into three major areas: 1) SFWMD STA-1E, 2) Rustic Ranches, 3) Section 24 impoundment area with the remainder

being agricultural. These areas are depicted on **Exhibit 2 - "Pine Tree Water Control District Major Areas."**

II. Existing Conditions in Pine Tree Water Control District

A. Topography and Soil Conditions

The District property elevations range from a low of 13 feet NGVD to a high of 16 feet NGVD. These elevations generally slope from a high in the northeast to a low in a southwesterly direction. See **Exhibit 3 - "Pine Tree Water Control District Topography"**. The soil conditions consist of sands and organic soils. These organics range from a depth of 1 foot to a depth of over 8 feet. See **Exhibit 3A - "Pine Tree Water Control District Soils Map"**.

B. Land Use

The majority of the PTWCD was at one time in agricultural production. However, much of the agriculture activity in the District has ceased. Approximately 2,800 acres of Pine Tree was purchased by SFWMD and has been included in the STA-1E project. The lands purchased are contained within Sections 3, 4, 9, 10, 14, 15 and 23.

The land-use for the STA-1E and Section 24 is **Water Management** (Palm Beach County designation of RR-10). Rustic Ranches land-use is **Rural Residential** (Village of Wellington designation Residential B). Other lands within the District are **Agricultural** in land use. See **Exhibit 4 - "Pine Tree Water Control District Land Use"** for land use.

C. History of Water Control for the Area

All of Pine Tree Water Control District originally drained northward into the SFWMD C-51 Canal which is located along and south of Southern Boulevard. This drainage is then conveyed eastward and discharges into the Lake Worth Lagoon. Prior to construction of the SFWMD Stormwater Treatment Area (STA-1E) project, Rustic Ranches, Section 24, and the agricultural lands further south drained westward to a north-south PTWCD canal which flowed north to a point at the northwest corner of Rustic Ranches (Section 13). Flow then went westward and then northward to a point at the north boundary of PTWCD where a PTWCD pump station with two 25,000 gallon per minute pumps discharge directly into the SFWMD C-51 Canal. Most of this system west of Rustic Ranches is now internal to the SFWMD STA-1 East project.

The design criterion for the water control system is outlined below. This criterion was enumerated in the "Pine Tree Water Control District Water Control Plan" prepared by William G. Wallace Inc. In addition, the Pine Tree Water Control District has been operating under a South Florida Water Management District Permit #50-00485-S as amended on June 15, 1978 and February 14, 1980. As per the Water Control Plan, all rural residential parcels require that 12 percent of the land area be used for flood detention storage. This percentage requirement is based upon a 2 foot depth of storage. This 12% requirement may be varied as it is dependent

upon the actual depth of storage provided. The finished floor elevation set forth for the rural residential area is 17.0 feet NGVD.

a. Channel Design Criteria

Based upon the design criteria contained in the William G. Wallace Inc. Water Control Plan, the canal cross-sections have been designed to accommodate a 1 inch per day of runoff/removal per rainfall event. Per the report, 1 inch per day removal for the 4,022 acres would equate to 74,626 gallons per minute or 166.28 cubic feet per second. The canal cross-sections vary from a depth of 3 feet to a depth of 8 feet. Side slopes vary from 4 to 1 above the control water elevation to 2 to 1 below the control water elevation. The bottom width of the canals varies from the minimum of 4 feet to 6 feet and greater.

b. Irrigation Water Supply

An irrigation permit was previously issued by the South Florida Water Management District for approximately 1,500 acres for the property previously known as Diamond C Sugar (SFWMD Permit # 50-00458-W). Because most of this land is now within the SFWMD STA-1E the Water Use Permit has expired. Therefore, individual landowners that use irrigation water will need to apply to the South Florida Water Management District for a Water Use Permit.

III. Water Control Plan Improvements

A. Surface Water Management System Improvements

1. Description of Improvements

At the present time the construction of the STA-1E project is complete. The runoff from Rustic Ranches continues to run west to the seepage canal and then north to a newly constructed pump station S-361 (50cfs capacity) and then into STA 1-East. Section 24 has been designed as a detention area which will receive water from the Acme Improvement District C-1 Canal during storm events via a proposed pump station, detain this water and return it to the Acme C-1 Canal via gravity and pump discharge during off-peak times.

The only other additional improvement to the existing surface water management system anticipated at this time is the possible addition of a pump station as an outfall for Rustic Ranches. The Section 24 project is scheduled to begin construction early in February 2008. After completion, the area will not drain into the PTWCD system. This construction is being funded by the South Florida Water Management District and not by the Pine Tree Water Control District.

a. Internal Canal System

The internal canal system consists of canals running east-west with an interceptor north south canal approximately 2,600 feet west of Flying Cow Road within Section 13 (Rustic Ranches). All drainage flows from east to west to the STA-1E seepage canal on the west boundary of Sections 24 and 13, then north to a pump station located in the northeast corner of Section 14. See **Exhibit 5 - "Pine Tree Water Control District Existing Canals and Culvert Facilities"**. In addition to the system of canals described above, Rustic Ranches also has a series of roadside swales. These swales convey runoff from the roadways as well as lot drainage to the internal canal system. The swales and associated driveway culverts are the subject of an ongoing maintenance program funded by the Pine Tree Water Control District. See **Exhibit 6 - "Pine Tree Water Control District Swale Maintenance Plan"**.

b. Water Supply Wells

There are no District owned or controlled water supply wells. The responsibility for permitting, if required, of any privately owned water supply wells lies with the private owner.

c. Outfall Canals and Discharge Control Structures

Section 13 (Rustic Ranches) outfalls into the STA-1E seepage canal at the west line of Section 13 via a 48 inch CMP culvert and flash board riser water control structure. The seepage canal then flows north where it meets with the SFWMD Pump Station S-361 and where excess runoff (and seepage) is pumped into the STA 1-E. As stated above, Section 24 will no longer discharge west to the seepage canal at the time when the Section 24 project is completed (approximately 18 months from the start of construction). The discharge water control structures for Section 24 will be constructed simultaneously with the development of the storage area and will outfall east to the Acme Improvement District C-1 Canal.

d. Proposed Pump Station

This plan includes an evaluation of a separate 18,000 gpm pump station to serve the Rustic Ranches subdivision. The proposed pump station, which is shown on **Exhibit 7**, will consist of two electrical pumps discharging into the STA-1E seepage canal with eventual discharge into STA-1E through the SFWMD S-361 pump station.

2. South Florida Water Management District Permits

The South Florida Water Management District ("SFWMD") has issued permits for the facilities serving Pine Tree Water Control District. In July of 1977, SFWMD issued a Surface Water Management Permit (#50-00458-S) to Diamond C. Sugar Company for the

construction of a water management system serving 2,222 acres of agricultural lands. Discharge was through a series of canals and culverts, north to the C-51 Canal. In June of 1978, the SFWMD issued a permit modification for the construction and operation of ditches and culverts and a 14,500 GPM pump to serve Rustic Ranches. In February of 1980, the SFWMD issued a modification deleting the 14,500 GPM pump.

The proposed Rustic Ranches pump station will require a modification to the SFWMD ERP Permit.

3. Units of Development

Chapter 298 of the Florida Statutes provides that a water control district may designate areas or parts of the district as separate administrative and financial “units”. The size, location and type of work within each Unit of Development may be determined by the Board. If the Board finds it advisable to implement the District's infrastructure and service plans by Units, then the Water Control Plan must be amended in accordance with Chapter 298.301 F.S. Notice must be given to all landowners and municipalities within each Unit created. An engineer's report outlining the proposed services to be provided to the Unit of Development and the benefits and costs associated with such improvements must be adopted by the Board. Any taxes, assessments, or other obligations levied by the District upon a Unit of Development constitute a lien and charge solely upon the lands within that Unit of Development. Pine Tree Water Control District may in the future implement Units of Development.

B. Easements Dedicated to Pine Tree Water Control District

Numerous easements have been dedicated for ingress/egress, drainage and equestrian trails. These easements are primarily within the Rustic Ranches area. **See Exhibit 8 - “Pine Tree Water Control District Easements”.**

C. Cost of Improvements

The total estimated cost of improvements is \$684,000. An Engineers cost estimate for the Rustic Ranches pump station is included as **Exhibit 9.**

D. Method of Financing

The proposed pump station to serve Rustic Ranches shall be paid from either a single special assessment to lands located within Rustic Ranches, or through the sale of bonds to be repaid with annual assessments to the landowners in Rustic Ranches. Maintenance and operation costs will be covered with an annual assessment.

IV. Maintenance/Operational Responsibilities

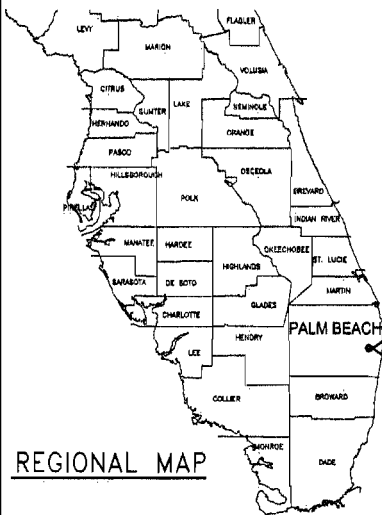
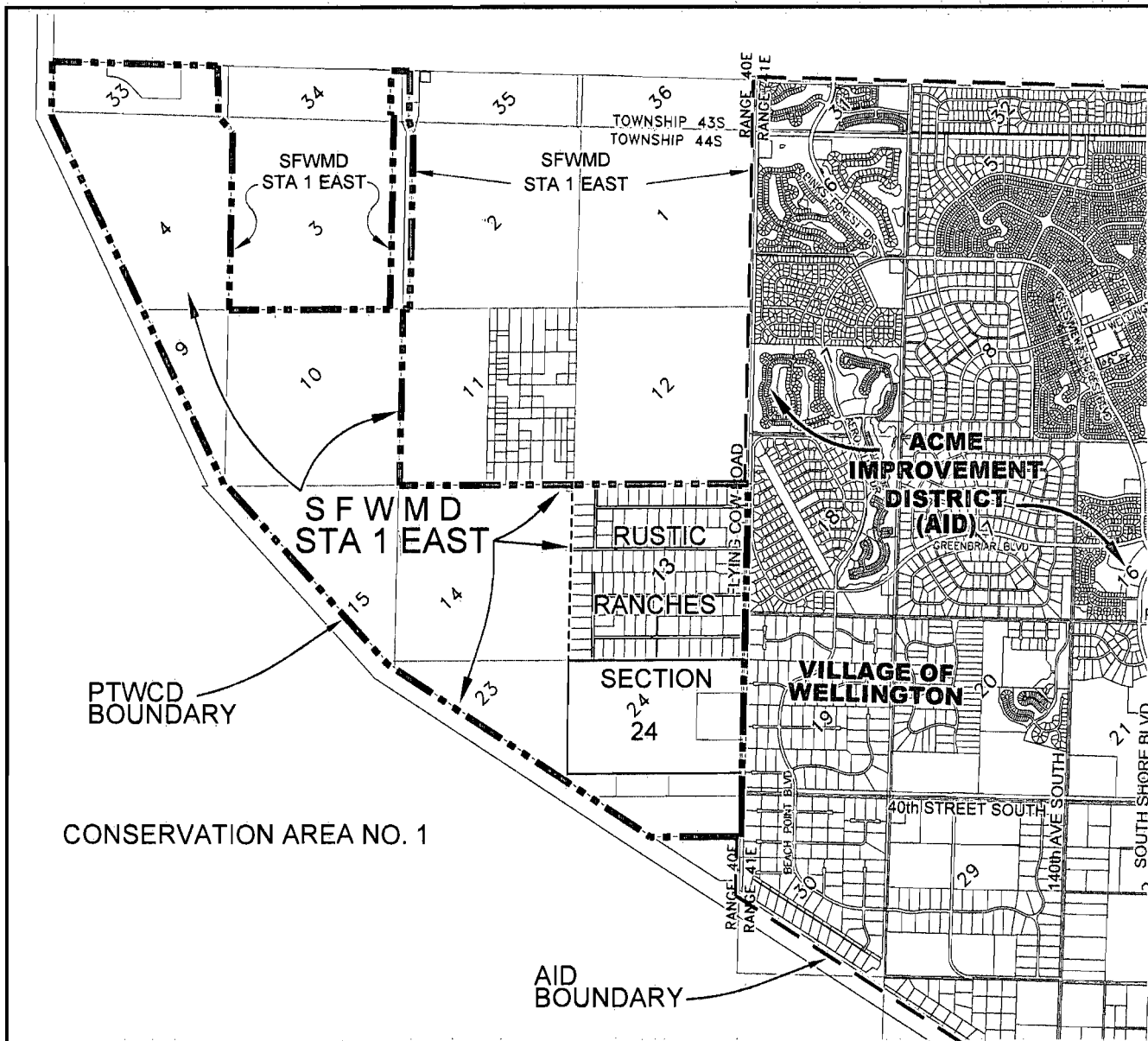
Maintenance and operational responsibilities of PTWCD includes cleaning and/or maintaining of canals, culverts and other water control structures, pumps and wells and the operation of pump stations and water control structures.

V. Recommendations

Based on the information presented in this Amended Water Control Plan, the following recommendations are made:

- A. The Amended Water Control Plan be submitted to the Supervisors at a PTWCD Board of Supervisor's Meeting, so the Board can adopt a Resolution to consider adoption of the Amended Water Control Plan.
- B. PTWCD shall take all the necessary procedural and legal steps required for the Amended Water Control Plan to be approved by the PTWCD Board of Supervisors.
- C. That all easements required by furnished to PTWCD in perpetual easements meeting the approval of PTWCD Attorney, the District Engineer, and the Board of Supervisors.
- D. PTWCD continue the maintenance and operation of the PTWCD facilities to the benefit of the lands within the District and in accordance with the applicable SFWMD permits.

Amended Water Control Plan Exhibits



REGIONAL MAP

VICINITY MAP

N.T.S.



0721-Rustic\LocMap-3C.dwg



HIGGINS ENGINEERING, INC.

4623 FOREST HILL BLVD.
WEST PALM BEACH, FLORIDA 33415
ENGINEERING BUSINESS NO.4209
561-439-7807

PINE TREE WATER CONTROL DISTRICT
AMENDED WATER CONTROL PLAN
LOCATION SKETCH
PALM BEACH COUNTY, FL

DESIGNED

DRAWN

CHECKED

JOB NO.

DATE

D.A.B.

SCALE

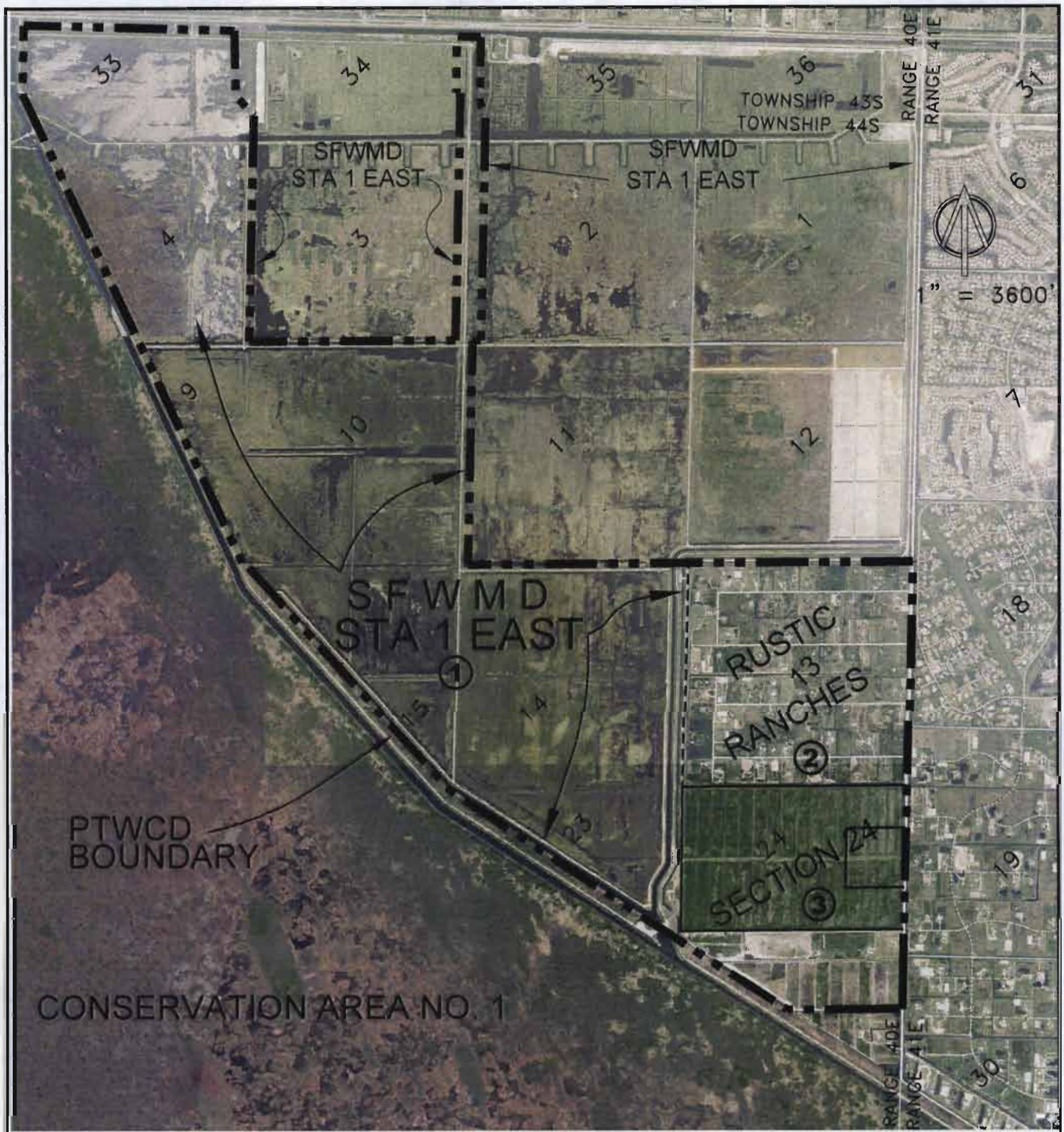
07-21.4

11/08

1"=5000'

APPROVED

SHT. 1 OF 1



07211-Sect24/LocMap-3C.dwg

LEGEND

- PTWCD BOUNDARY
- ① INDICATES MAJOR AREA

REFERENCE: PALM BEACH COUNTY, FLORIDA 2007
DIGITAL AERIAL PHOTOGRAPHY



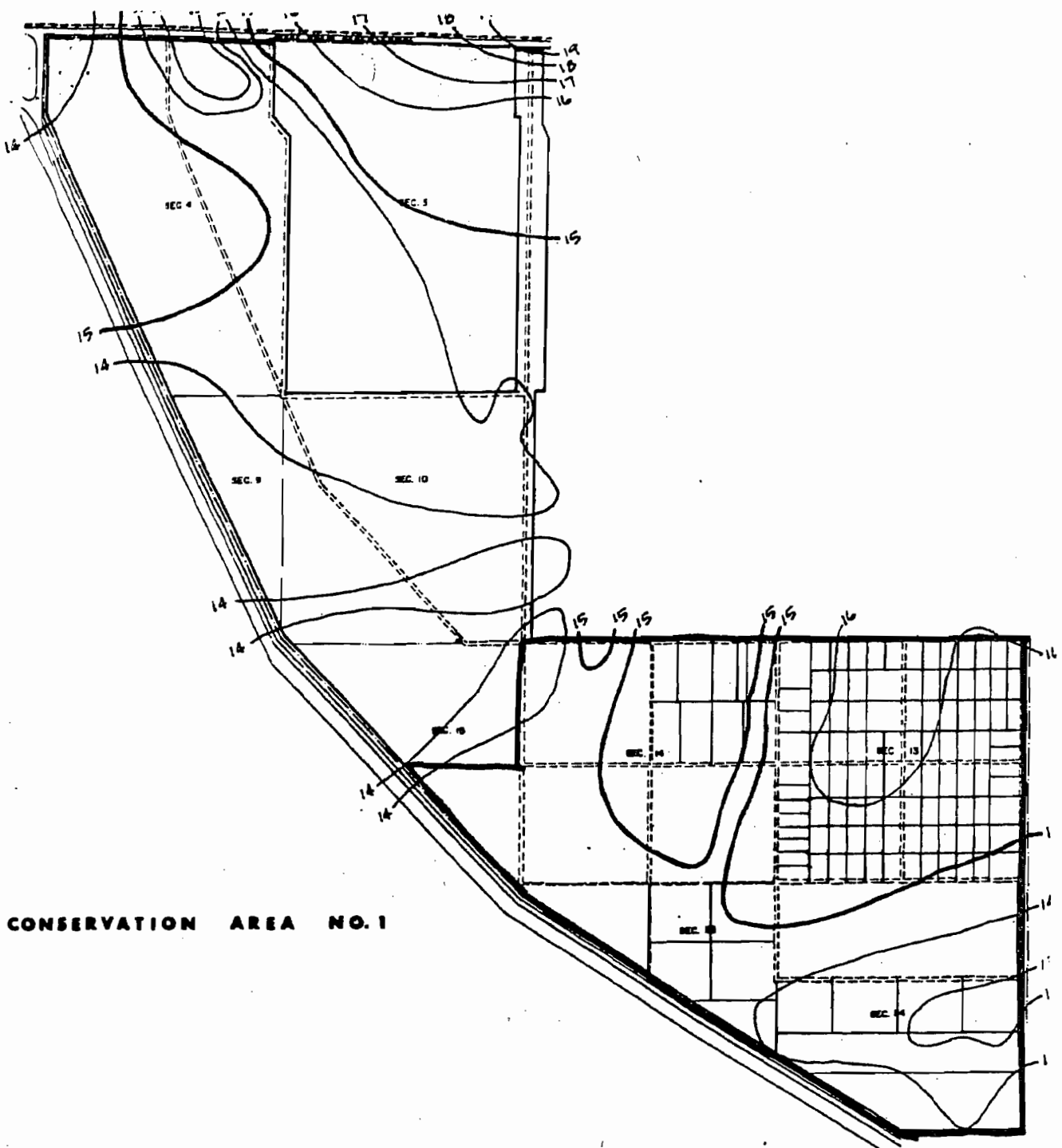
HIGGINS ENGINEERING, INC.

4623 FOREST HILL BLVD.
WEST PALM BEACH, FLORIDA 33415
ENGINEERING BUSINESS NO.4209
561-439-7807

PINE TREE WATER CONTROL DISTRICT AMENDED WATER CONTROL PLAN MAJOR AREAS PALM BEACH COUNTY, FL

DESIGNED —	DRAWN D.A.B.	CHECKED <i>[Signature]</i>	JOB NO. 07-21.4
DATE 11/08	SCALE 1"=3600'	APPROVED <i>[Signature]</i>	SHT. 1 OF 1

EXHIBIT 2



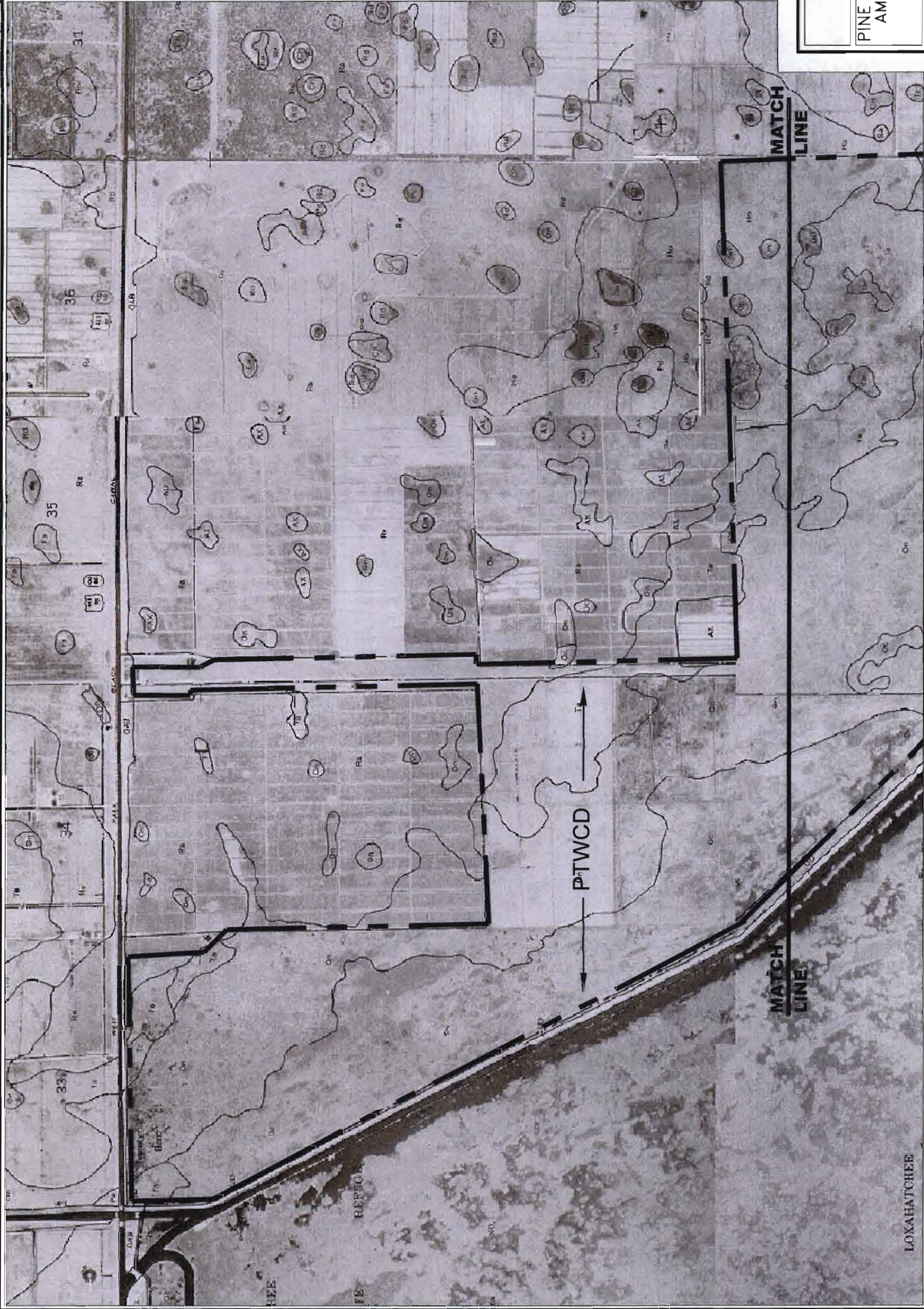
CONSERVATION AREA NO. 1

GROUND ELEVATIONS
N.T.S.

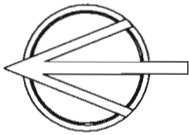


0721-Rustic\LocMap-3C.dwg

 HIGGINS ENGINEERING, INC. 4623 FOREST HILL BLVD. WEST PALM BEACH, FLORIDA 33415 ENGINEERING BUSINESS NO. 4209 561-439-7807			
PINE TREE WATER CONTROL DISTRICT AMENDED WATER CONTROL PLAN TOPOGRAPHY PALM BEACH COUNTY, FL			
DESIGNED	DRAWN	CHECKED	JOB NO.
	D.A.B.	<i>[Signature]</i>	07-21.4
DATE	SCALE	APPROVED	SHT. 1 OF 1
11/08	N.T.S.	<i>[Signature]</i>	



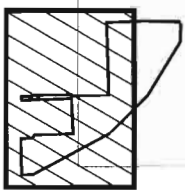
REFERENCE: SOIL SURVEY OF PALM BEACH COUNTY AREA, FLORIDA
UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE



N.T.S.

KEY MAP

THIS SHEET



SOIL LEGEND

- An - Anclothe fine sand
- AU - Arents-Urban land complex
- AX - Arents-Urban land complex, organic substratum
- Fa - Floridana fine sand
- Ho - Holopaw fine sand
- Oc - Okeechobee muck
- On - Okeelanta muck
- Os - Oldsmar sand
- Pa - Pahokee muck
- QAB - Quartzipsamments, shaped
- Ra - Riviera sand
- Rd - Riviera sand, depressional
- Ta - Tequesta muck
- UD - Udorthents
- Ur - Urban land
- w - Water

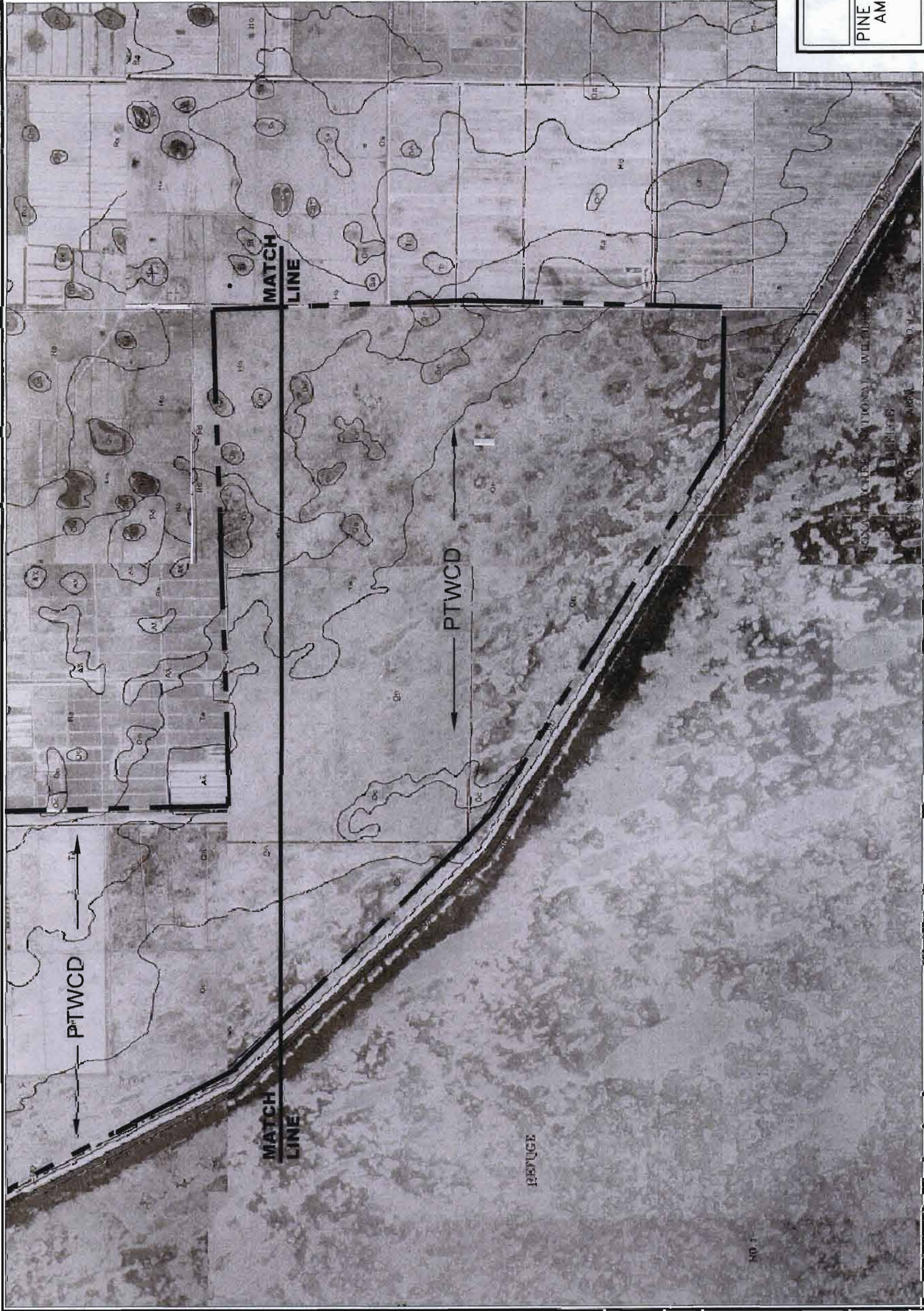
1/ The composition of these units is apt to be more variable than the other units in the survey area. Mapping has been controlled well enough, however, to be interpreted for the anticipated use of the soils.

07214-PTWCD\SoilsMaps\AssembleSoils-2B.dwg

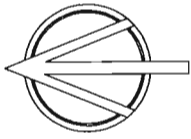
HIGGINS ENGINEERING, INC.
4623 FOREST HILL BLVD.
WEST PALM BEACH, FLORIDA 33415
ENGINEERING BUSINESS NO.4209
561-439-7807

PINE TREE WATER CONTROL DISTRICT
AMENDED WATER CONTROL PLAN
SOILS MAP
PALM BEACH COUNTY, FLORIDA

DESIGNED	DRAWN	CHECKED	JOB NO.
...	D.A.B.	...	07-21.4
DATE	SCALE	APPROVED	SHT. 1 OF 2
11/08	N.T.S.	...	

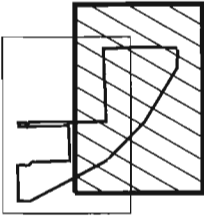


REFERENCE: SOIL SURVEY OF PALM BEACH COUNTY AREA, FLORIDA
UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE



N.T.S.

KEY MAP



THIS SHEET

SOIL LEGEND

- An - Anclothe fine sand
- AU - Arents-Urban land complex
- AX - Arents-Urban land complex, organic substratum
- Fa - Floridana fine sand
- Ho - Holopaw fine sand
- Oc - Okeechobee muck
- On - Okeelanta muck
- Os - Oldsmar sand
- Pa - Pahokee muck
- QAB - Quartzipsammments, shaped
- Ra - Riviera sand
- Rd - Riviera sand, depressional
- Ta - Tequesta muck
- UD - Udorthents
- Ur - Urban land
- w - Water

1/ The composition of these units is apt to be more variable than the other units in the survey area. Mapping has been controlled well enough, however, to be 1/ interpreted for the anticipated use of the soils.

07214-PTWCD\SoilsMaps\AssembleSoils-2B.dwg

HIGGINS ENGINEERING, INC.
4623 FOREST HILL BLVD.
WEST PALM BEACH, FLORIDA 33415
ENGINEERING BUSINESS NO.4209
561-439-7807

PINE TREE WATER CONTROL DISTRICT
AMENDED WATER CONTROL PLAN
SOILS MAP

PALM BEACH COUNTY, FLORIDA

DESIGNED	DRAWN	CHECKED	JOB NO.
DATE	D.A.B.	APPROVED	07-21.4
11/08	N.T.S.		SHT. 2 OF 2



07211-Sect24\LocMap-3C.dwg

LEGEND

--- PTWCD BOUNDARY

REFERENCE: PALM BEACH COUNTY, FLORIDA 2007
DIGITAL AERIAL PHOTOGRAPHY



HIGGINS ENGINEERING, INC.

4623 FOREST HILL BLVD.
WEST PALM BEACH, FLORIDA 33415
ENGINEERING BUSINESS NO.4209
561-439-7807

PINE TREE WATER CONTROL DISTRICT
AMENDED WATER CONTROL PLAN
LAND USE
PALM BEACH COUNTY, FL

DESIGNED —	DRAWN D.A.B.	CHECKED K.S.B.	JOB NO. 07-21.4
DATE 11/08	SCALE 1"=3600'	APPROVED K.S.B.	SHT. 1 OF 1

EXHIBIT 4



EE
ENGINEERING

HIGGINS ENGINEERING, INC.
1000 N. 10TH AVE. SUITE 100
 DENVER, CO 80202
 (303) 733-1111

FINE TREE WATER CONTROL DISTRICT AMENDED WATER CONTROL PLAN EXISTING CANALS & CULVERT FACILITIES PAGE 10 OF 11	
DATE: 11/17/08 DRAWN BY: J. J. JONES CHECKED BY: J. J. JONES	11/17/08 07:21:4 1:2500' 1:1



Village of Wellington:
Rustic Ranches Swale
Project



Note:

- All lot lines where easements are not depicted form the centerline of a twelve foot utility easement
- All ingress/egress easements are road/utility/drainage construction and maintenance easements.

Completion Timeline

- Both Sides of Road Complete
- June-August - 2008
- September-December - 2008
- Fiscal Year: 2008/2009

07214-SMF_PDF_SwaleMain-1A.dwg

HIGGINS ENGINEERING, INC.
1000 WEST PALM BEACH BLVD.
SUITE 200
PALM BEACH, FLORIDA 33415
561-439-7807

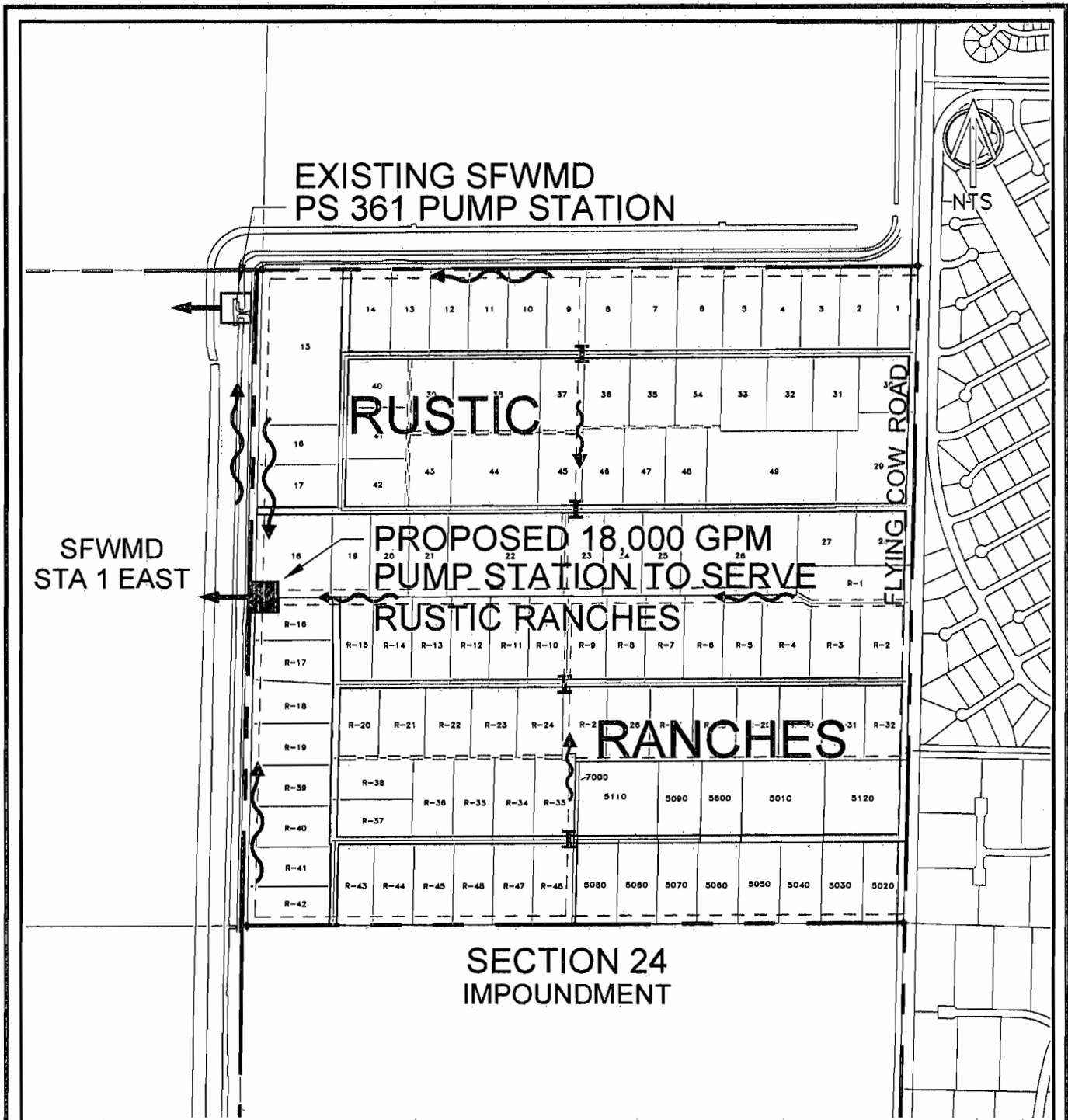
PINE TREE WATER CONTROL DISTRICT
AMENDED WATER CONTROL PLAN
SWALE MAINTENANCE PLAN
PALM BEACH COUNTY, FL

DESIGNED	DRAWN	CHECKED	JOB NO.
DATE	D.A.B.	APPROVED	07-21.4
11/08	SCALE	N.T.S.	SHT. 1 OF 1

EXHIBIT 6

SOURCE: VILLAGE OF WELLINGTON





07214-PTWCD-Rustic\0721-Rustic\Exh7-1A.dwg



HIGGINS ENGINEERING, INC.

4623 FOREST HILL BLVD.
WEST PALM BEACH, FLORIDA 33415
ENGINEERING BUSINESS NO.4209
561-439-7807

PINE TREE WATER CONTROL DISTRICT
PROPOSED RUSTIC RANCHES PUMP STATION
LOCATION MAP
PALM BEACH COUNTY, FL

DESIGNED
S.J.N.

DRAWN
D.A.B.

CHECKED
Rust

JOB NO.
07-21.4

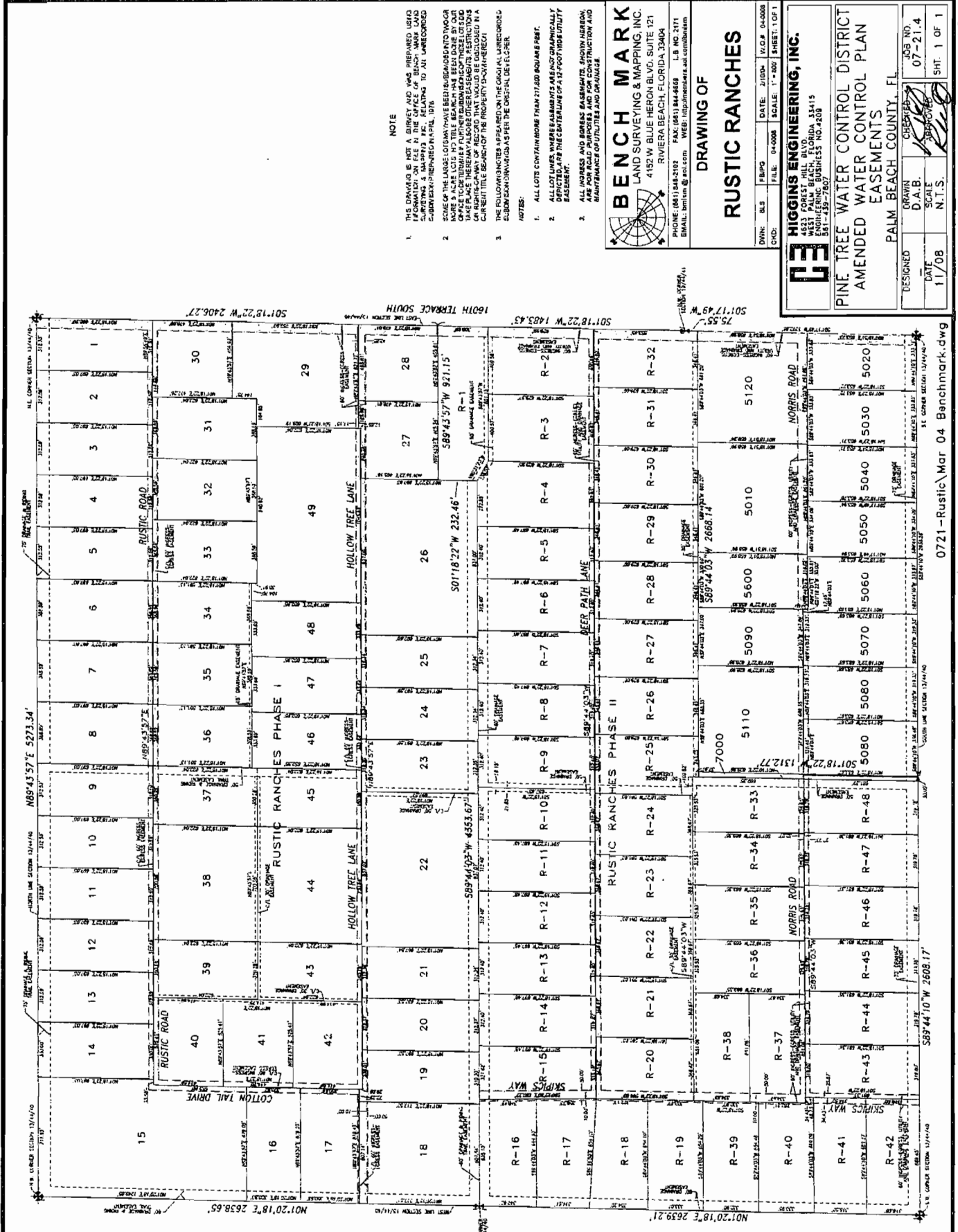
DATE
6/09

SCALE
N.T.S.

APPROVED
Rust

SHT. 1 OF 1

EXHIBIT 7



NOTE

- THIS DRAWING IS NOT A SURVEY AND WAS PREPARED USING INFORMATION ON FILE IN THE OFFICE OF BENCH MARK LAND SURVEYING & MAPPING, INC. TO ALL UNRECORDED SUBDIVISIONS PREPARED IN 1976.
 - SOME OF THE LARGER LOTS HAVE BEEN SUBDIVIDED INTO TWO OR MORE ACRES. NO TITLE SEARCH HAS BEEN DONE BY OUR OFFICE TO DETERMINE IF FURTHER SUBDIVISIONS OF THESE LOTS COULD BE MADE. THE SUBDIVISIONS SHOWN ON THIS DRAWING ARE THE CURRENT TITLE BEARING OF THE PROPERTY OWNERS HEREIN.
 - THE FOLLOWING NOTES APPEARED ON THE ORIGINAL UNRECORDED SUBDIVISION DRAWINGS AS PER THE ORIGINAL DEVELOPER.
- NOTES:
- ALL LOTS CONTAIN MORE THAN 217.00 SQUARE FEET.
 - ALL LOT LINES, WHERE EASEMENTS ARE INDICATED GRAPHICALLY, DEPICTED ARE THE CENTERLINE OF A 12-FOOT WIDE UTILITY EASEMENT.
 - ALL EASEMENTS AND BORDERS EASEMENTS, SHOWN HEREON, ARE NOT TO BE CONSIDERED AS A BASIS FOR CONSTRUCTION AND MAINTENANCE OF UTILITIES AND DRAINAGE.

BENCH MARK
LAND SURVEYING & MAPPING, INC.
4152 W. BLUE HERON BLVD., SUITE 121
RIVIERA BEACH, FLORIDA 33404
PHONE: (407) 844-2107 FAX: (407) 844-6669 LB. NO. 2171
EMAIL: benchm@earthlink.net WEB: http://www.benchm.com

DRAWING OF
RUSTIC RANCHES

DWN: BLS DATE: 3/10/04 V.D.P. 04/000
CND: FILE: 04/000 SCALE: 1"=800' SHEET 1 OF 1

HIGGINS ENGINEERING, INC.
4823 FOREST HILL BLVD.
WEST PALM BEACH, FLORIDA 33415
PHONE: (561) 833-1111 FAX: (561) 833-1112
561-459-7807

PINE TREE WATER CONTROL DISTRICT
AMENDED WATER CONTROL PLAN
EASEMENTS
PALM BEACH COUNTY, FL

DESIGNED	CREATED	CHECKED	JOB NO.
D.A.B.	D.A.B.	D.A.B.	07-214
DATE	SCALE	DATE	SHT. 1 OF 1
11/08	N.T.S.		

Pine Tree Water Control District
Engineers Cost Estimate for Rustic Ranches Pump Station

<u>Description</u>	<u>Quantity</u>	<u>Units</u>	<u>Unit Cost</u>	<u>Amount</u>
Site Work/sheeting/culverts	1	L.S.	300000	\$300,000
Electric Service to site	1	L.S.	50000	50000
Pump Building	1	L.S.	60000	60000
Pumps	2	each	40000	80000
Generator/fuel tanks	2	each	40000	<u>80000</u>
		Sub Total		\$570,000
Engineering, Surveys and Contingencies at 20 percent				\$114,000
Total				\$ 684,000

Appendix A

Legal Description of Pine Tree Water Control District

BOUNDARY DESCRIPTION
PINE TREE WATER CONTROL DISTRICT

Beginning at the Southeast corner of Section 24, Township 44 South, Range 40 East, run South $89^{\circ} 43' 08''$ West, along the South line of said Section 24 a distance of 2,674.64 feet to the Northerly right of way of Canal L-40; thence North $56^{\circ} 54' 19''$ West along said right of way of Canal L-40, a distance of 9,479.62 feet; thence North $42^{\circ} 15' 14''$ West and continuing along said Canal right of way 7,363.27 feet to the West line of Section 10, Township 44 South, Range 40 East; thence South $01^{\circ} 16' 05''$ West, along said West line of said Section 10, a distance of 57.57 feet; thence North $25^{\circ} 11' 01''$ West along the aforementioned Northerly right of way of Canal L-40, a distance of 12,185.26 feet to the West line of Hiatus Lot 4; thence North $01^{\circ} 14' 08''$ East along the West line of Hiatus Lot 4 a distance of 113.66 feet to the Southwest corner of Section 33, Township 43 South, Range 40 East; thence North $01^{\circ} 14' 08''$ East along the West line of said Section 33, a distance of 1,532.34 feet to the South right of way line of the West Palm Beach Canal; thence South $88^{\circ} 23' 22''$ East along said Canal right of way 4,981.18 feet; thence South $01^{\circ} 04' 07''$ West 1,541 feet to the South line of Section 33, Township 43 South, Range 40 East; thence South $42^{\circ} 09' 30''$ East 643.43 feet to the Northeast corner of Section 4, Township 44 South, Range 40 East; thence South $01^{\circ} 16' 05''$ West along the East line of said Section 4 a distance of 5,314.41 feet to the Southeast corner of said Section 4; thence North $89^{\circ} 44' 30''$ East along the North line of Section 10, Township 44 South, Range 40 East, 4,875.18 feet; thence run North $01^{\circ} 15' 49''$ East 5,304.15 feet to a point on the South line of Hiatus Lot 3; thence North $01^{\circ} 25' 51''$ East 515.41 feet; thence North $87^{\circ} 27' 20''$ West 106.75 feet; thence North $00^{\circ} 51' 10''$ East 1,336.85 feet to the South right of way line of West Palm

Beach Canal; thence South $88^{\circ}21'18''$ East along the South right of way of said Canal 363.94 feet; thence continue along the South line of said Canal right of way South $88^{\circ}28'22''$ East 200.02 feet; thence South $00^{\circ}56'22''$ West 1,544.21 feet to the South line of Section 35, Township 43 South, Range 40 East; thence South $24^{\circ}36'48''$ East 325 feet to the North line of Section 2, Township 44 South, Range 40 East, said line also being the South line of Hiatus Lot 2; thence South $01^{\circ}15'44''$ West 5,302.88 feet to the South line of Section 2; thence South $89^{\circ}44'30''$ West along the South line of said Section 2 a distance of 200.07 feet to the Southwest corner of said Section 2; thence South $01^{\circ}15'44''$ West along the West line of Section 11, Township 44 South, Range 40 East 5278.18 feet to the Southwest corner of said Section 11; thence North $89^{\circ}43'57''$ East along the North lines of Sections 14 and 13, Township 44 South, Range 40 East, 10536.48 feet to the Northeast corner of said Section 13; thence South $01^{\circ}17'26''$ West along the East line of said Section 13 a distance of 5,276.29 feet to the Southeast corner of said Section 13, thence South $01^{\circ}20'00''$ West along the East line of Section 24, Township 44 South, Range 40 East 5,279.90 feet to the Southeast corner of Section 24 and the Point of Beginning.

Containing 4,022 acres, more or less.



REPORT OF ENGINEER

Amended Water Control Plan

for

Pine Tree Water Control District

July 2009

Prepared by:

Higgins Engineering, Inc.

07-21.4

4623 Forest Hill Blvd., Suite 113
(561) 439-7807

West Palm Beach, FL 33415
FAX (561) 439-0026

Water Resources - Environmental

IN RE: PINE TREE WATER CONTROL DISTRICT
Amended Water Control Plan

REPORT OF ENGINEER

This Report of Engineer (the "Report") was prepared by Higgins Engineering, Inc. for Pine Tree Water Control District (PTWCD), an independent special district of the State of Florida, hereinafter referred to as PTWCD, and states as follows:

1. Authorization. This Report was prepared by Higgins Engineering, Inc. pursuant to the applicable provisions of Chapter 298, Florida Statutes, and Chapter 2005-339, Laws of Florida, as subsequently amended by Chapter 2007-296, Laws of Florida, (together referred to herein as the "Act") and authorized by PTWCD's Board of Supervisors on the 12th day of February, 2009 for its Amended Water Control Plan.

2. Purpose. This Report has been prepared to assist PTWCD's Board of Supervisors in its consideration and adoption of the proposed Amended Water Control Plan (as defined in paragraph 3(C) of this Report). This Report is to address the proposed construction and operation of a separate drainage pump to serve the Rustic Ranches sub-division.

3. Definitions. Except as hereinafter set forth, all capitalized terms and phrases used in this Report shall have the meaning ascribed thereto in the Act, namely:

(A) "Assessable Real Property" means that real property located within the Rustic Ranches sub-division of the Pine Tree Water Control District which will receive benefits from the proposed Amended Water Control Plan and may be subject to the levy of non-ad valorem assessments by PTWCD if the proposed Amended Water Control Plan is adopted by PTWCD's

Board of Supervisors.

(B) “Exempt Acres” means that real property located within the PTWCD which will not be the subject of the levy of non-ad valorem assessments by PTWCD, including by way of example but not limited to: (i) real property owned by PTWCD, the Board of Trustees of the Internal Improvement Trust Fund and (ii) public road and canal rights-of-way.

(C) “Amended Water Control Plan” means the proposed Amended Water Control Plan for Pine Tree Water Control District, and improvements described therein, a copy of which is referenced and identified in Exhibit “A”.

4. Conditions. The findings and opinions of Higgins Engineering, Inc. as expressed in this Report are subject to the following understandings and conditions:

(A) In rendering the findings and opinions set forth herein, Higgins Engineering, Inc. has considered and in certain instances relied upon opinions, information and documentation prepared or supplied by others, which may have included: public officials, public entities, individuals or entities having an interest in some or all of the real property which comprises Pine Tree Water Control District, engineering professionals, general contractors, surveyors, real estate agents or appraisers, PTWCD’s staff and consultants.

(B) That factual information contained herein relating to the: (i) quantity of acreage, (ii) description of the real property located within Pine Tree Water Control District, and (iii) names of the owners of said acreage was supplied by the owners of the subject real property, the Palm Beach County Tax Collector’s Office and/or the Property Appraiser’s Office.

(C) All of the PTWCD improvements described in the original Water Control Plan presently exist and are being operated and maintained by PTWCD.

5. Findings. At the request of the Board of Supervisors, Higgins Engineering, Inc. has evaluated the expected benefit and cost associated with the construction of a new pump station to serve the Rustic Ranches sub-division located within Pine Tree Water Control District.

The Rustic Ranches sub-division presently drains by gravity through a 36 inch diameter culvert to the SFWMD seepage canal located along the western boundary of Rustic Ranches. A recently constructed SFWMD pump station pumps water from the seepage canal to the Stormwater Treatment Area (STA) during high water periods. In order to ensure flood protection for the Rustic Ranches sub-division, an evaluation of the expected costs and benefits of a separate pump station was completed.

The analysis demonstrates that the cost of the pump station is less than expected flood damages, and therefore, it is recommended that the District pursue the design and permitting of the pump station.

(A) Higgins Engineering, Inc. has visited and viewed the facilities serving Pine Tree Water Control District and the Rustic Ranches sub-division.

(B) That attached hereto as Exhibit "B" is a description of all lands which will benefit as a result of a new pump station.

(C) That all Assessable Real Property located within the Rustic Ranches sub-division has been improved and benefitted from the implementation and construction of the original Water Control Plan. In addition, all Assessable Real Property located within the Rustic Ranches sub-division will be improved and benefit from the implementation and construction of this Amended Water Control Plan.

(D) That attached hereto as Exhibit "C" and incorporated herein is a summary of the estimated costs of the proposed pump facilities within the Rustic Ranches sub-division:

6. Assessment of Benefits

(A) That attached hereto as Exhibit "D" and incorporated herein is the following:

Column 1 – the name(s) of the fee title owner(s) of Assessable Real Property,

Column 2 – description of the real property (the "Assessable Real Property"),

Column 3 – the number of acres of Assessable Real Property,

Column 4 – the amount of determined benefits,

Column 5 – the amount of determined damages, and

Column 6 – the number of acres to be taken for rights-of-way, easements, PTWCD works, etc.

(B) That attached hereto as Exhibit "D-1" and incorporated herein is information on the Assessment of Benefits.

7. Recommendation for Operation and Maintenance Assessment Funding. PTWCD will need funding in order to:

(A) operate and maintain the existing improvements along with the proposed Amended Water Control Plan Improvements including their subsequent repair, restoration and/or replacement, as and when needed,

(B) pay expenses, including administration, legal, accounting, and engineering, necessary for the operation and maintenance of PTWCD, and

(C) pay the operational cost of the pump station described in the proposed Amended Water Control Plan.

Since the above costs and expenses may fluctuate, Higgins Engineering, Inc. recommends that an annual maintenance assessment be determined, assessed and levied by PTWCD's Board of Supervisors upon the Assessable Real Property located within the Rustic Ranches sub-division for

the purpose of defraying the above described costs and expenses of items (A), (B), and (C), which is hereinafter referred to as the "Maintenance Assessment". This Maintenance Assessment should be determined, assessed, apportioned and levied upon the Assessable Real Property within the Rustic Ranches sub-division in the same manner and at the same time as other PTWCD non-ad valorem assessments, are levied upon such Assessable Real Property.

As an alternative, and in lieu of the inclusion of the above item (C), operation costs for the pump station as part of the Maintenance Assessment, the PTWCD Board of Supervisors may establish, pursuant to the Act, a "User Fee" for collecting said pump station's operational expenses.

8. Summary. It was found by Higgins Engineering, Inc. that the Summary of Costs for the Amended Water Control Plan Improvements for the Rustic Ranches sub-division (See Exhibit "C") is \$684,000 or \$1,070.42 per acre for the 639 acres in the Rustic Ranches sub-division.


Robert W. Higgins, P.E.
Florida PE No. 22364

7/15/09
Date

Higgins Engineering, Inc.
4623 Forest Hill Boulevard, Suite 113
West Palm Beach, FL 33415

(Reproductions are not valid unless signed, dated and
embossed with an Engineer's Seal)

**PINE TREE WATER CONTROL DISTRICT
AMENDED WATER CONTROL PLAN**

A true and correct copy of the Amended Water Control Plan for the Pine Tree Water Control District is on file in the PTWCD Secretary's office at the Village of Wellington and is incorporated herein by this reference.

Exhibit "A"

**PINE TREE WATER CONTROL DISTRICT
AMENDED WATER CONTROL PLAN**

**DESCRIPTION OF LANDS TO BE BENEFITTED
FROM THE PUMP STATION**

**LEGAL FOR
RUSTIC RANCHES**

All of Section 13, Township 44 South, Range 40 East containing 639 acres.

Exhibit "B"

**SUMMARY OF THE COSTS
OF THE
AMENDED WATER CONTROL PLAN IMPROVEMENTS
FOR
PINE TREE WATER CONTROL DISTRICT**

	<u>Amount</u>
A) Cost of Construction of the Amended Water Control Plan Improvements	\$570,000
B) Allowance for Organizational/Administrative and Contingencies Costs:	
Higgins Engineering, Inc. recommends an allowance for the organizational/administrative and contingency costs in an amount equal to twenty percent (20%) of the above Costs of Construction.	<u>\$114,000</u>
TOTAL	<u>\$684,000</u>

Note: The proposed Improvements will be owned and operated by PTWCD.

Exhibit "C"

Exhibit "D"

**AMENDED WATER CONTROL PLAN
RUSTIC RANCHES LANDOWNERS**

	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
	Owner of Property	Property Control Number	No. of Acres	Amount of Determined Benefits	Amount of Determined Damages	Number of Acres for ROW, Easements, Works, etc.
1	ABDOOLLAH ABDOOL H	73-40-44-13-00-000-3210	5.00	5356	0	0
2	ABDOOLLAH ABDOOL H	73-40-44-13-00-000-5530	5.79	6202	0	0
3	AGNOLI ANTOINE	73-40-44-13-00-000-1270	5.00	5356	0	0
4	ALZATE BERNARDO & ALZATE LUZ	73-40-44-13-00-000-1330	5.26	5634	0	0
5	AUBRY BURKE & AUBRY KAREN L	73-40-44-13-00-000-7390	5.00	5356	0	0
6	BADUA ROSITO & BADUA SALLY	73-40-44-13-00-000-3390	5.00	5356	0	0
7	BADUA ROSITO & BADUA SALLY	73-40-44-13-00-000-1460	5.00	5356	0	0
8	BARRON ROBERT H & BARRON SANDRA	73-40-44-13-00-000-3090	5.51	5902	0	0
9	BIG ORANGE NURSERY INC	73-40-44-13-00-000-7460	5.00	5356	0	0
10	BIONDOLILLO ANNMARIE & BIONDOLILLO JOSEPHINE	73-40-44-13-00-000-3430	5.00	5356	0	0
11	BLEAKLEY DENNIS T & BLEAKLEY JANICE M	73-40-44-13-00-000-5520	5.79	6202	0	0
12	BLOOM LAURI	73-40-44-13-00-000-1480	5.00	5356	0	0
13	BOYER MICHAEL A & BOYAR LISA	73-40-44-13-00-000-3130	5.00	5356	0	0
14	BRIGGS MICHAEL R & BRIGGS LAURA M	73-40-44-13-00-000-5120	10.00	10711	0	0
15	BUENAVENTURA RB & BUENAVENTURA ANDREA M	73-40-44-13-00-000-3440	5.00	5356	0	0
16	CANO MIRDZA	73-40-44-13-00-000-3370	5.00	5356	0	0
17	CASTELLANO ROBERT S & CASTELLANO BREADA N	73-40-44-13-00-000-5550	5.00	5356	0	0
18	CAUDLE GARY J TRUST CAUDLE GARY TR	73-40-44-13-00-000-5070	5.01	5366	0	0
19	CHAMBERS ROBERT J	73-40-44-13-00-000-3181	5.00	5356	0	0
20	CHAZ 3232 LLC	73-40-44-13-00-000-5320	5.00	5356	0	0
21	CHEN FAMILY TRUST	73-40-44-13-00-000-5600	5.00	5356	0	0
22	CHIN FRANCIES TR	73-40-44-13-00-000-5050	5.01	5366	0	0
23	CLINE MARGUERITE P	73-40-44-13-00-000-1262	5.00	5356	0	0
24	COLOMBINO LUCIANO F & COLOMBINO KATHLEEN M	73-40-44-13-00-000-3223	5.00	5356	0	0
25	CONKLIN WILLIAM M & CONKLIN RUTH E	73-40-44-13-00-000-3510	5.00	5356	0	0
26	COOPER DAVID L TRUST	73-40-44-13-00-000-5060	5.02	5377	0	0
27	CORREA JAIME E	73-40-44-13-00-000-1010	5.00	5356	0	0
28	CORTES HECTOR L & CORTES CARMEN A	73-40-44-13-00-000-7330	5.00	5356	0	0
29	COX DAVID T	73-40-44-13-00-000-3222	5.00	5356	0	0
30	CYO FARMS LLC GLEN DEMPSEY C/O	73-40-44-13-00-000-7200	5.00	5356	0	0
31	DAHLENBURG DAVID K & DAHLENBURG MELISSA R	73-40-44-13-00-000-7410	5.00	5356	0	0
32	DANIELAS STABLES LLC	73-40-44-13-00-000-7450	5.00	5356	0	0
33	DE GOUW HENRY H JR	73-40-44-13-00-000-3420	5.00	5356	0	0
34	DEER PATH LANE LLC	73-40-44-13-00-000-5260	5.00	5356	0	0
35	DEERING TRAVIS & DEERING CHERIE	73-40-44-13-00-000-7110	5.00	5356	0	0
36	DEERING TRAVIS & DEERING CHERIE	73-40-44-13-00-000-7100	5.00	5356	0	0
37	DENKER THOMAS J & DENKER RONNA R	73-40-44-13-00-000-3140	5.28	5655	0	0
38	DEUTSCHE BANK NATL TRUST CO TRUSTEE CITI	73-40-44-13-00-000-7340	5.00	5356	0	0

Exhibit "D"

39	ELPHICK SAMANTHA	73-40-44-13-00-000-3120	5.00	5356	0	0
40	FAUX MARVIN L	73-40-44-13-00-000-7210	5.00	5356	0	0
41	FERRAZZANO ELDA YOLANDA & FERRAZZANO RUBEN C	73-40-44-13-00-000-3100	5.00	5356	0	0
42	FONG ROBERT A & FONG MARIA S	73-40-44-13-00-000-1500	15.00	16067	0	0
43	FUSTER YORLENI & GALIANO HERMS	73-40-44-13-00-000-5510	6.25	6694	0	0
44	GALIT JEFFREY & GALIT PRISCILLA	73-40-44-13-00-000-5290	5.00	5356	0	0
45	GARCIA EDUARDO	73-40-44-13-00-000-5310	5.00	5356	0	0
46	GREEN ELIZABETH	73-40-44-13-00-000-1300	4.99	5345	0	0
47	GULFSTREAM ACQUISITIONS LLC	73-40-44-13-00-000-5020	5.01	5366	0	0
48	HAYAT ADAM & KALLMAN KIM	73-40-44-13-00-000-5540	6.20	6641	0	0
49	HEARN MARGARET A	73-40-44-13-00-000-7240	5.00	5356	0	0
50	HEATH GERMAN A	73-40-44-13-00-000-1290	10.21	10936	0	0
51	HEINSOHN MARIA M	73-40-44-13-00-000-7470	5.00	5356	0	0
52	HOANG HOA NGOC	73-40-44-13-00-000-1050	5.00	5356	0	0
53	HORSE INN LLC	73-40-44-13-00-000-5300	5.00	5356	0	0
54	HSBC BANK USA NA TRUSTEE OCWEN LOAN	73-40-44-13-00-000-1030	5.00	5356	0	0
55	HUNT RAMONA L	73-40-44-13-00-000-5280	5.00	5356	0	0
56	KEEN RICHARD	73-40-44-13-00-000-3410	5.00	5356	0	0
57	KOBYLECKI JOHN M	73-40-44-13-00-000-7160	5.00	5356	0	0
58	LALONDE DENIS & DENIS LALONDE TR TITL HLDR	73-40-44-13-00-000-1350	5.00	5356	0	0
59	LE TAM BA & THI CHAU MINH	73-40-44-13-00-000-5590	5.00	5356	0	0
60	LINVILLE CHI L & LUU MAY S	73-40-44-13-00-000-7360	10.00	10711	0	0
61	LONGO JAMES D	73-40-44-13-00-000-3450	5.00	5356	0	0
62	MALEK JEAN R	73-40-44-13-00-000-5580	5.00	5356	0	0
63	MARINO LILY & MARINO EDGAR	73-40-44-13-00-000-7120	5.00	5356	0	0
64	MARQUEZ GLORIA I & ESCAMILLA GILBERTO	73-40-44-13-00-000-5570	5.00	5356	0	0
65	MARTIN MARY E & SHAKESPEARE JAN M	73-40-44-13-00-000-1080	5.39	5773	0	0
66	MASSO MICHELE M	73-40-44-13-00-000-7230	5.00	5356	0	0
67	MASSO MICHELE M	73-40-44-13-00-000-7220	5.00	5356	0	0
68	MCDONALD CUSH A & MCDONALD MILDRED E	73-40-44-13-00-000-3190	5.00	5356	0	0
69	MEARS DOUGLAS L	73-40-44-13-00-000-7430	5.00	5356	0	0
70	MERAJ ATIF	73-40-44-13-00-000-1070	5.90	6320	0	0
71	MERCURIO BRETT A & MERCURIO BONNIE E	73-40-44-13-00-000-1261	5.00	5356	0	0
72	MERRIAN FRANKLIN G SR & MERRIAM DIANE	73-40-44-13-00-000-1040	5.00	5356	0	0
73	MESSERSCHMIDT CLAUS & MESSERSCHMIDT GRYNDILI	73-40-44-13-00-000-7140	5.00	5356	0	0
74	MILLER JASON P & MILLER MICHELLE S	73-40-44-13-00-000-5560	5.00	5356	0	0
75	MILLER JASON P & GALIT JEFFREY S	73-40-44-13-00-000-5010	10.00	10711	0	0
76	MOLINA TRISTAN M & MOLINA CECILIA L	73-40-44-13-00-000-3381	5.00	5356	0	0
77	MOLINA TRISTAN M	73-40-44-13-00-000-3382	5.00	5356	0	0
78	MURRAY LAURENCE H & JUDITH A MURRAY	73-40-44-13-00-000-5080	10.29	11022	0	0
79	NASON ANDREA S	73-40-44-13-00-000-7130	5.00	5356	0	0
80	NGUYEN THU THI	73-40-44-13-00-000-1060	5.00	5356	0	0
81	OAK MEADOWS FARM LLC	73-40-44-13-00-000-3182	5.00	5356	0	0
82	OCTAVIANO DAVID A OCTAVIANO DIANE M	73-40-44-13-00-000-1340	5.00	5356	0	0
83	PALM BEACH COUNTY PREM DIVISION C/O	73-40-44-13-00-000-7000	1.00	1071	0	0

Exhibit "D"

84	PETZOLD FRANK & PETZOLD CONNIE V	73-40-44-13-00-000-7400	5.01	5366	0	0
85	PHALEN LESLIE R & PHALEN JUDITH	73-40-44-13-00-000-1240	5.00	5356	0	0
86	PHALEN LESLIE R & PHALEN JUDITH	73-40-44-13-00-000-7180	5.00	5356	0	0
87	PHAN LOI VAN & THILE HOANG	73-40-44-13-00-000-1310	5.26	5634	0	0
88	PHILLIPS GARY A	73-40-44-13-00-000-3110	5.00	5356	0	0
89	PIGADIS ELIZABETH J	73-40-44-13-00-000-1320	5.26	5634	0	0
90	PRATT RICHARD & LINDA R	73-40-44-13-00-000-1230	5.00	5356	0	0
91	RED Z FARM LLC	73-40-44-13-00-000-7380	5.00	5356	0	0
92	REISMAN PHYLLIS A	73-40-44-13-00-000-3221	5.00	5356	0	0
93	RICH CORAZON L	73-40-44-13-00-000-3400	5.00	5356	0	0
94	ROBERTIA MARIA N & ROBERTIA FRANK M	73-40-44-13-00-000-1360	5.00	5356	0	0
95	RUSTIC RANCHES DEV CORP	73-40-44-13-00-000-3170	5.47	5859	0	0
96	SCHILTZ MARY	73-40-44-13-00-000-1250	5.00	5356	0	0
97	SIMPSON VERNON C & SIMPSON ELAINE P	73-40-44-13-00-000-7440	5.00	5356	0	0
98	SMITH CRAIG A & CORBETT KAREY	73-40-44-13-00-000-7350	5.00	5356	0	0
99	TAGLIAFERRO HUGO E	73-40-44-13-00-000-7150	5.00	5356	0	0
100	THOMAS RUPERT	73-40-44-13-00-000-5030	5.01	5366	0	0
101	TIELENS STEVEN R & TIELENS CYNTHIA A	73-40-44-13-00-000-1020	5.00	5356	0	0
102	TORCHIA VITO	73-40-44-13-00-000-5110	9.65	10336	0	0
103	TORCHIA VITO & TORCHIA MARY R	73-40-44-13-00-000-5250	5.00	5356	0	0
104	TOUTLOFF JOHN	73-40-44-13-00-000-5040	5.01	5366	0	0
105	VALLEJO GEORGE & VALLEJO LILIANA	73-40-44-13-00-000-7170	5.00	5356	0	0
106	WALLACE CHRIS	73-40-44-13-00-000-1263	5.00	5356	0	0
107	WILLEY JOHN E & WILLEY MARILYN B	73-40-44-13-00-000-7420	5.00	5356	0	0
108	WILLIAMS PERETO & WILLIAMS DEXTER D	73-40-44-13-00-000-7190	5.00	5356	0	0
109	WINANS STUART M & WINANS ARLENE B	73-40-44-13-00-000-1470	5.00	5356	0	0
110	WONG JOHN YING KAU & WONG MELISSA LAU	73-40-44-13-00-000-3200	5.00	5356	0	0
111	WONG JOHATHAN C WENZHU XUE	73-40-44-13-00-000-5090	5.01	5366	0	0
112	WONG JOHATHAN C WENZHU XUE	73-40-44-13-00-000-5270	5.00	5356	0	0
113	WOODS BRUCE D & WOODS MARY C	73-40-44-13-00-000-7480	5.00	5356	0	0
114	WRIGHT LELAND	73-40-44-13-00-000-3500	10.00	10711	0	0
115	WRIGHT LELAND	73-40-44-13-00-000-3520	5.00	5356	0	0
116	WRIGHT LELAND	73-40-44-13-00-000-3150	5.00	5356	0	0
117	WRIGHT LELAND	73-40-44-13-00-000-1280	5.00	5356	0	0
118	WRIGHT LELAND	73-40-44-13-00-000-3160	5.00	5356	0	0
			638.59	684000	0	0
			638.59			

(1) Note:

(2) Note:

**PINE TREE WATER CONTROL DISTRICT
AMENDED WATER CONTROL PLAN**

ASSESSMENT OF BENEFITS

The Rustic Ranches sub-division consists of approximately 639 acres. All Assessable Real Property within the Rustic Ranches sub-division will be benefitted from the Pine Tree Water Control District Amended Water Control Plan Improvements.

Higgins Engineering, Inc. assigns a benefit of \$10,000 per acre to all Assessable Real Property within the Rustic Ranches sub-division for a total determined benefit of \$6,390,000 which is based on potential damages as a result of flooding.

PTWCD presently owns, or will own, all of the facilities and Improvements outlined in the Amended Water Control Plan, therefore the amount of the determined damages is zero.

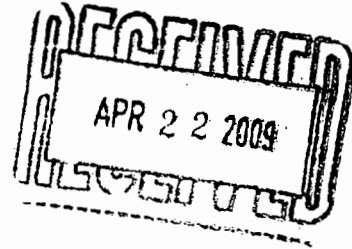
Benefits shall be apportioned on a per acre basis, with each tract or parcel of land with less than one acre in area to be assessed as a full acre, and each tract or parcel of land more than one acre in area which contains a fraction of an acre to be assessed at the nearest whole number of acres with a fraction of one-half or more to be assessed as a full acre.

Exhibit "D-1"

cc: Aurilda DUBB
Jeff Mitch } 4/23/09



SOUTH FLORIDA WATER MANAGEMENT DISTRICT



April 15, 2009

John Bonde, District Manager
Pine Tree Water Control District
14000 Greenbrier Boulevard
Wellington, Florida 33414

Dear Mr. Bonde:

Subject: SFWMD Comments on Pine Tree Water Control Plan 2009

The South Florida Water Management District (District) has completed its review of the Pine Tree Water Control Plan 2009 (Plan). The District offers one technical clarification. The Plan describes the S-361 structure as having a capacity of 50 cubic feet per second (cfs). While this is the approximate capacity for permitted discharges, the S-361 structure also has an additional 25 cfs capacity for seepage return. It might be useful to note this distinction in any future revision to the Plan to avoid any confusion on this issue.

Sincerely,



John Mulliken, Director
Water Supply Planning Division



Exhibit C - 1976 Water Control Plan

PINE TREE WATER CONTROL DISTRICT



WATER CONTROL PLAN

**PREPARED BY
WILLIAM C. WAITAGE INC**

GENERAL INTRODUCTION

This report deals with the drainage of a site known as the Pine Tree Water Control District which is located within Palm Beach County, Florida, approximately 18 miles West of the Atlantic Ocean and contiguous to and having its Northerly boundary along Southern Boulevard.

The Pine Tree Water Control District contains in all approximately 4,022 acres. The district has as its Northern boundary Canal C-51 and is bounded on the West by L-40, with the Southerly tip being approximately 4 miles South of C-51. See Exhibit 1 and Exhibit 1A (legal description). There are in existence several canals and major drainage structures that have an effect upon the Pine Tree Water Control District. North of Southern Boulevard we have Levee L-8 and its accompanying canal which runs in a Northerly direction and then proceeds in a Westerly direction where it connects to the Eastern shore of Lake Okeechobee. Along the Southerly edge of Southern Boulevard (State Road 80), we have the West Palm Beach Canal (C-51) with its ultimate discharge into Lake Worth and consequently the Atlantic Ocean. Heading in a Southerly direction from Southern Boulevard and also forming the Westerly limits of our project is Levee L-40 and its accompanying canal. L-40 has as its discharge point the Hillsborough Canal.

Our entire Western border is contiguous to a portion of Conservation Area #1, containing approximately 220 square miles. The various control structures that are located near the junctions of L-8, L-40, and the West Palm Beach Canal in conjunction with Pumping Station S-5A allows the control and diversion of overland flows and in the routing of major floods. Normal water elevation

within the conservation area is approximately 16 feet with the maximum elevation not to exceed 19.5 feet. Seepage from the conservation area into the Pine Tree Water Control District has been kept to a minimum by running our canals parallel to and no closer than 1300 feet of the L-40 levee and for the most part will be in the range of 2600 feet, between Levee L-40 and our primary canals.

The Pine Tree Water Control District property ranges in elevation from 13 feet to 16 feet above MSL, and in general slopes in a Southwesterly direction. (See Exhibit 2.) The surface soils consist of sands and organics with the latter covering the larger portion of the district. These organics range in a thickness from 1 foot to 8 feet with some local areas having pockets up to 13 feet in depth. (See Exhibit 3.)

The vast majority of the site is under agricultural control with sugar cane being the major crop. The remainder of the District is being developed as 5 acre minimum home sites.

Drainage facilities that are in existence within the Pine Tree Water Control District consist of several pumping stations, 2 major and 2 rehandling pumps. Both of the major pumping stations have as their discharge points the C-51 Drainage Canal. The existing pumping stations have a present capacity of 25,000 GPM (2 in Sec. 14) and an intake capacity of 15,000 GPM at the old site. There are also in existence several canals that drain a portion of the district but are inadequate to serve the entire district.

The Westerly pump station consists of 1 electric pump of 30,000 GPM and a diesel auxiliary pump of 30,000 GPM.

Access to the property is by an old wooden bridge across C-51 in line with the extension of the District's Easterly property line in a Northerly Direction. The District also has a new concrete bridge 3 miles to the West of the above referenced bridge. These bridges provide 2 connections into the District across C-51.

DESIGN CRITERIA

We have chosen as our storm duration a ten year storm. The five day rainfall intensity for a ten year storm derived from the Central and Southern Florida Flood Control records is in the following quantities:

First day	.31 inches
Second day	.48 inches
Third day	.74 inches
Fourth day	1.35 inches
Fifth day	5.87 inches

It has been stated in a report prepared by Gee & Jensen, Consulting Engineers for this district, that up to five inches of rainfall in any one day will be absorbed by ground storage and surface storage in undeveloped areas or by evaporation and transpiration. The one inch of remaining rainfall represents runoff for which we have designed our canal cross sections to carry. This is the maximum amount of discharge as allowed by Central and Southern Florida Flood Control for any 24 hour period. We can see from the above mentioned rainfall records for a ten year storm that if we were to discharge an average of one inch per day, that we would, in fact, be lowering the general water table within the area and have no requirements for holding basins. For the above stated reasons, we have not prepared synthetic unit hydrographs and/or flood hydrographs for this district, but have rather based the canal cross sections and the pumping station designs based upon the one inch per day maximum discharge.

Because of the consistent nature of this property, the runoff will not vary significantly within the drainage district. Each section will yield approximately $Q = 640 \text{ acres} (43560 \text{ ft}^2/\text{acre})(.082 \text{ ft}/\text{day}) = 26.46 \text{ cfs}$. This reflects the 1"/day allowable discharge.

The total runoff @ 1" day for the 4,022 acres would equate as follows:

$Q = 4022 \text{ acres } (43560 \text{ sq.ft./acre})(.082' / \text{day}) = 1.437 \times 10^7 \text{ x ft}^3 / \text{day}$ or
166.28 cfs or 74626 GPM

For a check, we may use the Lake Worth Drainage District recommended allowable runoff for areas West of Jog Road and discharging into the West Palm Beach Canal (C-51), as given by the formula.

$$Q = \left(\frac{16.8}{\sqrt{A}} + 23.4 \right) A \quad 100 \text{ acres or greater}$$

Where A = Area in square miles

$$Q = \left(\frac{16.8}{\sqrt{6.28}} + 23.4 \right) 6.28$$

$$= \left(\frac{16.8}{2.51} + 23.4 \right) 6.28$$

$$= (6.69 + 23.4) 6.28$$

$$= 188.97 \text{ cfs}$$

It can be seen from the check provided by the Lake Worth Drainage District formula that our total runoff is a reasonable figure. A more detailed runoff per section breakdown would be as follows using the allowable discharge of one inch per day.

		Q(cfs)
Section 33, Township 44 South, Range 40 East	230 acres	9.51
Section 34, Township 43 South, Range 40 East; Section 3, Township 44 South, Range 40 East	100 acres	4.13
Section 4, Township 44 South, Range 40 East	480 acres	19.85
Section 9, Township 44 South, Range 40 East	140 acres	5.79
Section 10, Township 44 South, Range 40 East	638 acres	26.38
Section 15, Township 44 South, Range 40 East	307 acres	12.69
Section 14, Township 44 South, Range 40 East	658 acres	27.20

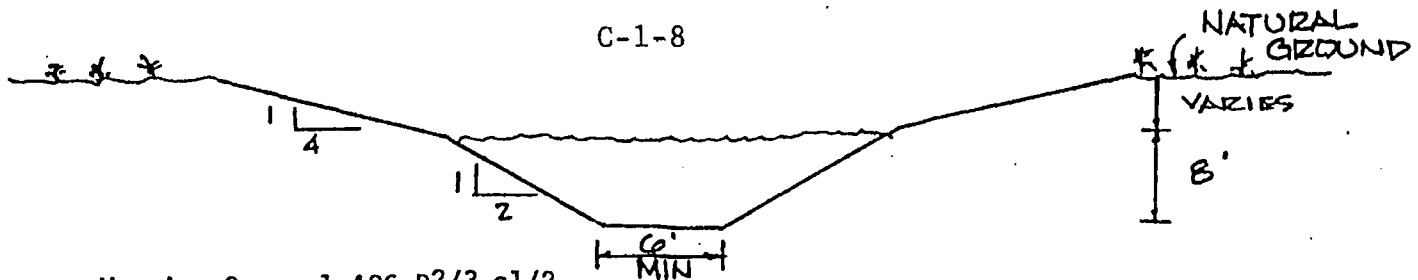
Section 13, Township 44 South, Range 40 East	658 acres	27.20
Section 23, Township 44 South, Range 40 East	211 acres	8.72
Section 24, Township 44 South, Range 40 East	<u>600</u> acres	<u>24.81</u>
	4022 acres	166.28 cfs

DRAINAGE AREA MAP

We have prepared a drainage area map (See Exhibit 4) that labels the Sections, shows the general canal profiles, direction of flow, area contained within each section, and the runoff express in cubic feet per second. We have also shown on this same exhibit the time of concentration for the district.

We have four basic elements within our drainage plan. The first element that we considered was the overland flow from the center of any parcel to what we have labeled a C-3 swale. We have anticipated that the entire district will be developed into an area that has the same sheet flow character as dense grass. The C-3 swale design was chosen to permit the operation of farm equipment across the C-3 swale. The C-3 swale is of sufficient size and located at sufficient intervals (1320 feet swale centerline to swale centerline) to carry the runoff into our secondary canals which we have labeled C-2's. The C-2 cross sections, its related areas and corresponding velocites are shown in the calculations that follow in each particular case. The C-2's carry the runoff and eventually meet with our fourth and final element, the C-1 canals. As mentioned, the C-1 canals with its cross section areas and related velocites for the given hydraulic slope with the pump on of .00008 '/' leading to and terminating at the pump station previously mentioned in our report.

In the design of the Line Tree Water Drainage System, we have chosen to use the Manning formula with the coefficient shown under each of the three basic designs. They are labeled and have the following configuration.



$$\text{Manning } Q = a \frac{1.486}{n} R^{2/3} S^{1/2}$$

Where Q = Discharge (steady uniform flow) cfs

a = area in square feet

n = roughness coefficient

R = hydraulic radius

S = hydraulic slope

$$a = 176 \text{ sq. ft.}$$

$$n = .030$$

$$R = 4.21'$$

$$S = .00008 \frac{2'}{25,000''}$$

$$R^{2/3} = 2.61$$

$$S^{1/2} = .00894$$

$$8' \text{ depth } Q = 176 \frac{1.486}{.030} (2.61)(.00894)$$

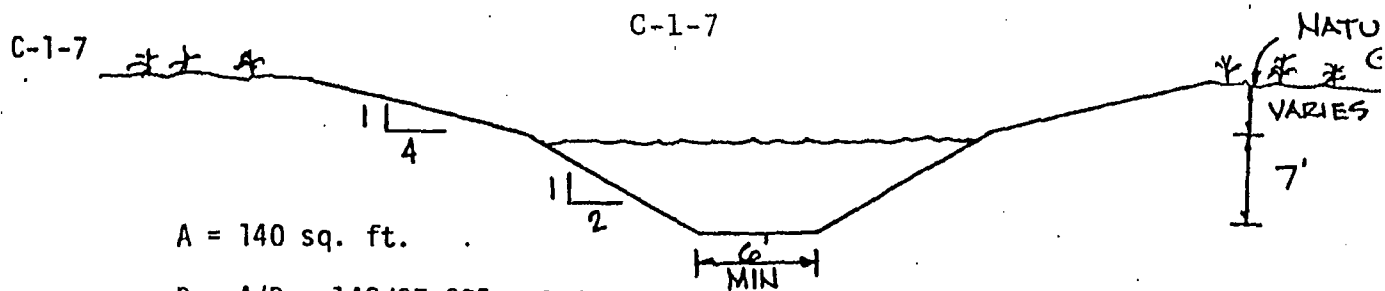
$$Q = 203.51 \text{ cfs}$$

$$Q = VA, \text{ therefore}$$

$$V = Q/A = 203.51/176$$

$$V = 1.16 \text{ ft./sec.}$$

$$V = 4176 \text{ ft/hr}$$



$$A = 140 \text{ sq. ft.}$$

$$R = A/P = 140/37.305 = 3.753$$

$$R^{2/3} = 2.413$$

$$S^{1/2} = .00894$$

$$Q = 140 \frac{(1.486)}{.030} (2.413) (.00894)$$

$$Q = 149.58 \text{ cfs}$$

$$Q = VA, \text{ therefore}$$

$$V = Q/A$$

$$V = 149.58/140$$

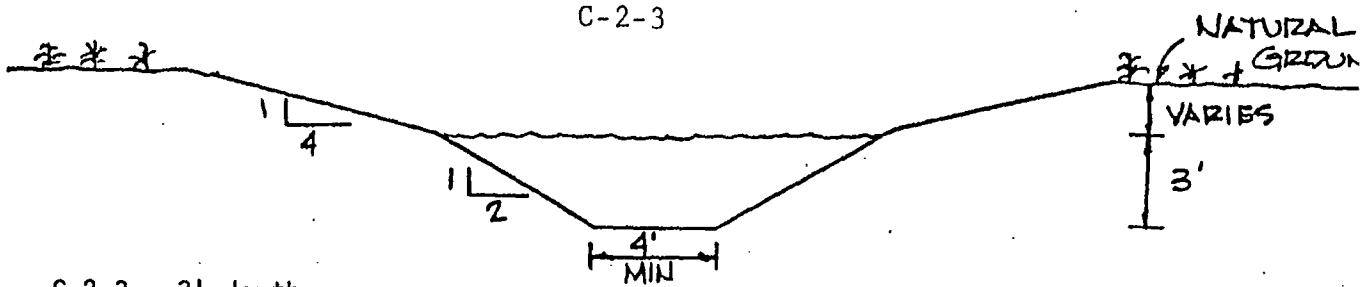
$$V = 1.07 \text{ ft./sec.}$$

$$V = 3846 \text{ ft./hr.}$$

C - 2

$$\text{Manning } Q = a \frac{1.486}{n} R^{2/3} S^{1/2}$$

C-2-3



C-2-3 3' depth

$$a = 30 \text{ sq. ft.}$$

$$n = .030$$

$$R = A/P = 30/17.42 = 1.72$$

$$S = .00008$$

$$R^{2/3} = 1.437$$

$$S^{1/2} = .00894$$

$$Q = 30 \frac{(1.486)(1.437)(.00894)}{.030} = 19 \text{ cfs}$$

$$Q = VA, \text{ therefore}$$

$$V = Q/A$$

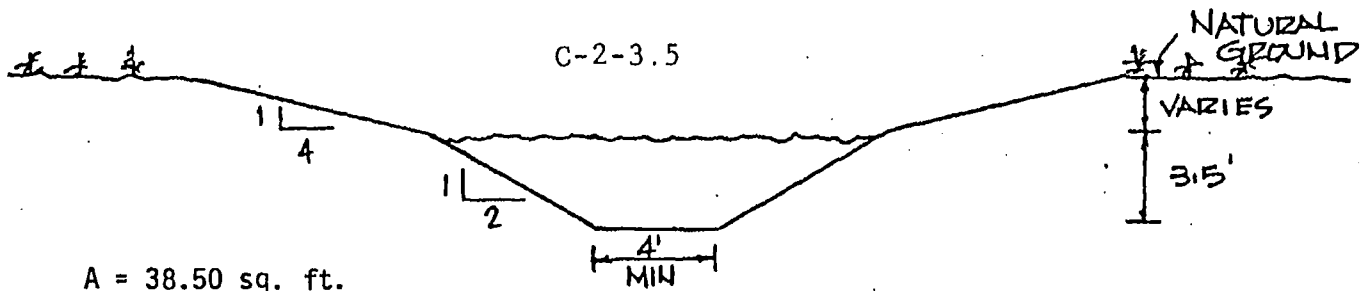
$$V = 19/30$$

$$V = .63 \text{ ft./sec.}$$

$$V = 2268 \text{ ft./hr.}$$

C-2-3.5

$$\text{Manning } Q = a \frac{1.486}{n} R^{2/3} S^{1/2}$$



$$A = 38.50 \text{ sq. ft.}$$

$$R = A/P = 38.50/19.65 = 1.96$$

$$R^{2/3} = 1.57$$

$$S^{1/2} = .00894$$

$$Q = 38.50 \frac{(1.486)(1.57)(.00894)}{.030}$$

$$Q = 26.77 \text{ cfs}$$

$$Q = V/A$$

$$V = Q/A$$

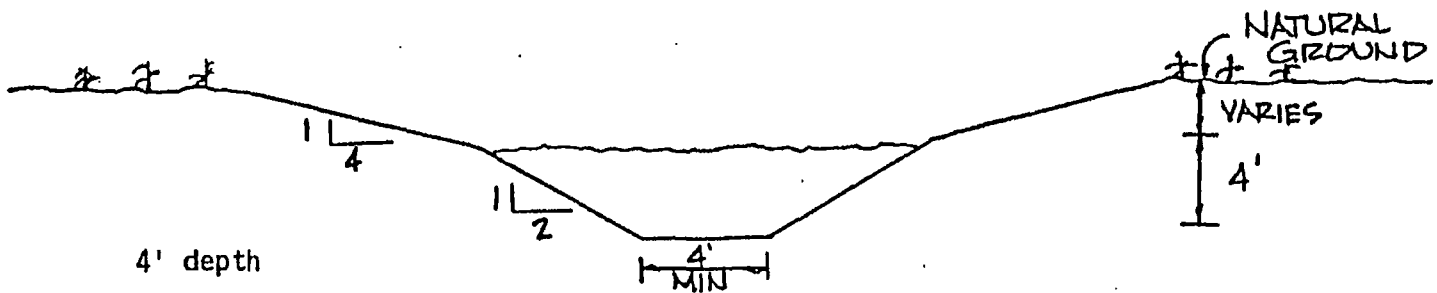
$$V = 26.77/38.90$$

$$V = .69 \text{ ft./sec.}$$

$$= 2503' / \text{hr}$$

C-2-4

$$\text{Manning } Q = a \frac{1.486}{n} R^{2/3} S^{1/2}$$



4' depth

$$A = 48 \text{ sq. ft.}$$

$$n = .030$$

$$R = A/P = 48/21.89 = 2.19$$

$$S = .00008$$

$$R^{2/3} = 1.687$$

$$S^{1/2} = .00894$$

$$Q = 48 \frac{(1.486)(1.687)(.00894)}{.030} = 35.86 \text{ cfs}$$

$$Q = VA, \text{ therefore}$$

$$V = Q/A$$

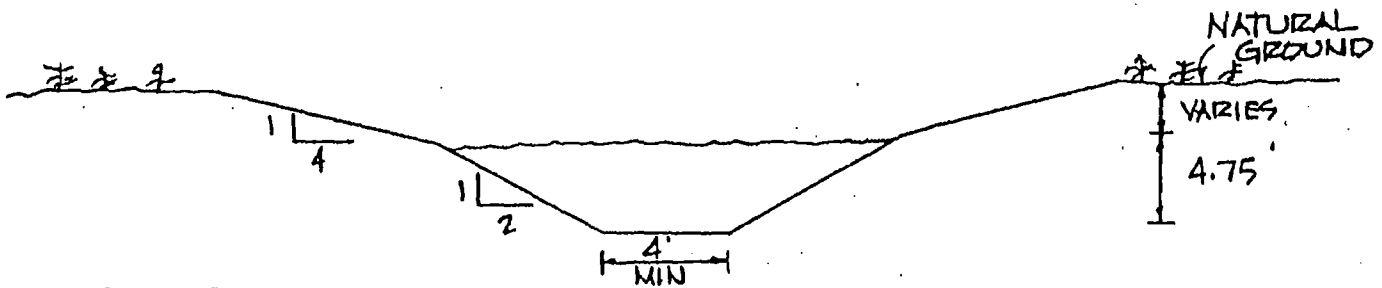
$$V = 35.86/48$$

$$V = .75 \text{ ft./sec.}$$

$$V = 2700 \text{ ft./hr.}$$

C-2-4.75

$$\text{Manning } Q = a \frac{1.486}{n} R^{2/3} S^{1/2}$$



$$A = 64.13 \text{ sq. ft.}$$

$$R = A/P = 64.13/25.24 = 2.54$$

$$R^{2/3} = 1.86$$

$$S^{1/2} = .00894$$

$$Q = 64.13 \frac{(1.486)(1.86)(.00894)}{.030}$$

$$Q = 52.82 \text{ cfs}$$

$$Q = VA, \text{ therefore}$$

$$V = Q/A$$

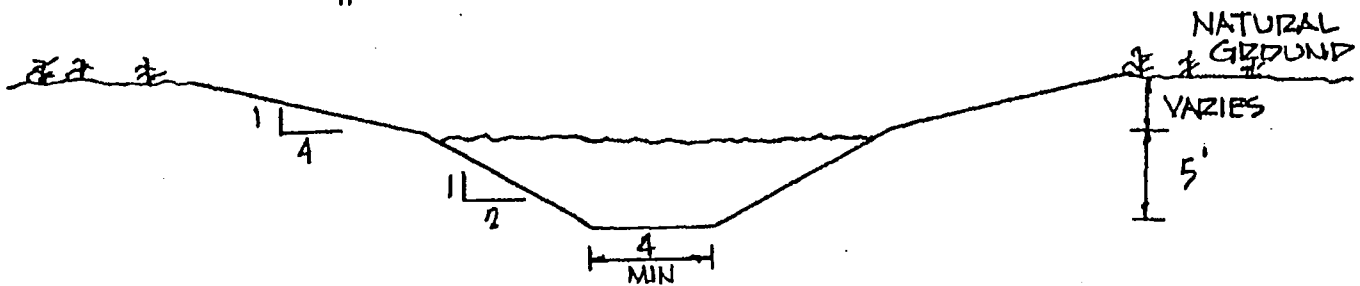
$$V = 52.82/64.13$$

$$V = .824 \text{ ft./sec.}$$

$$V = 2966 \text{ ft./hr.}$$

C-2-5

$$\text{Manning } Q = a \frac{1.486}{n} R^{2/3} S^{1/2}$$



$$A = 70 \text{ sq. ft.}$$

$$R = 70/26.36 = 2.66$$

$$R^{2/3} = 1.916$$

$$S^{1/2} = .00894$$

$$Q = 70 \frac{(1.486)}{.030} (1.916) (.00894) = 59.39 \text{ cfs}$$

$$Q = VA, \text{ therefore}$$

$$V = Q/A$$

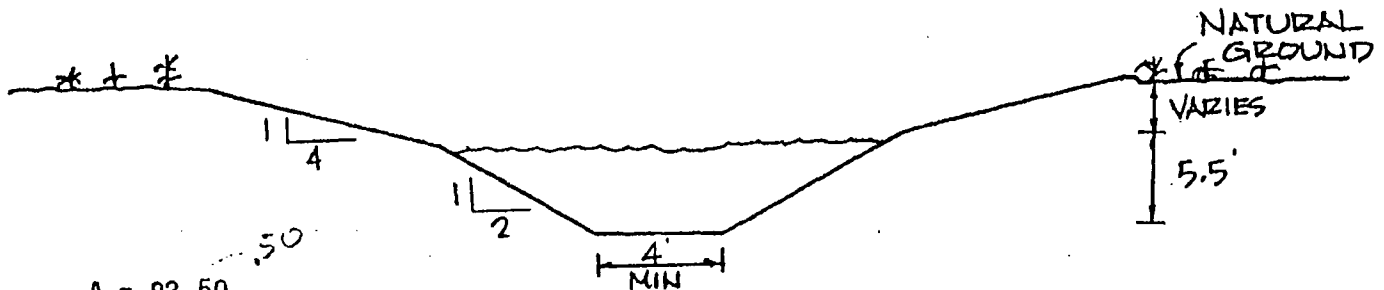
$$V = 59.39/70$$

$$V = .85 \text{ ft./sec.}$$

$$V = 3060 \text{ ft./hr.}$$

C-2-5.5

$$\text{Manning } Q = a \frac{1.486}{n} R^{2/3} S^{1/2}$$



$$A = 82.50$$

$$R = A/P = 82.50/28.60 = 2.89$$

$$R^{2/3} = 2.025$$

$$S^{1/2} = .00894$$

$$Q = 82.50 \frac{(1.486)(2.025)(.00894)}{.030}$$

$$Q = 73.98 \text{ cfs}$$

$$Q = VA, \text{ therefore}$$

$$V = Q/A =$$

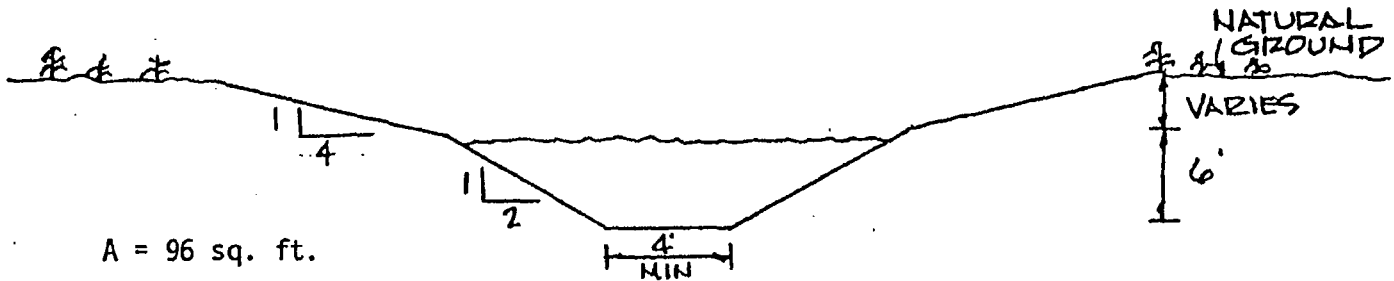
$$V = 72.98/82.50$$

$$V = .90 \text{ ft./sec.}$$

$$V = 3228 \text{ ft./hr.}$$

C-2-6

$$\text{Manning } Q = a \frac{1.486}{n} R^{2/3} S^{1/2}$$



$$A = 96 \text{ sq. ft.}$$

$$n = .030$$

$$R = A/P = 96/30.833 = 3.114$$

$$R^{2/3} = 2.132$$

$$S^{1/2} = .00894$$

$$Q = 96 \frac{(1.486)}{.030} (2.132) (.00894) = 90.63 \text{ cfs}$$

$$Q = VA, \text{ therefore}$$

$$V = Q/A$$

$$V = 90.63/96$$

$$V = .94 \text{ ft./sec.}$$

$$V = 3384 \text{ ft./hr.}$$

The erosion of the canal bank will be only a slight problem if we do not exceed a maximum velocity of 2 fps. This is below a recommended safe velocity of 2.5 fps for sandy and sandy loam soil. Our maximum velocity is 1.16 ft./sec.; therefore we anticipate no erosion to our banks due to the velocity of our storm water runoff.

TIME OF CONCENTRATION

The time of concentration for the Pine Tree Water Control District will break down as follows (See Exhibits 4 and 6):

The overland flow from the center of a parcel to a created swale (of the C-3 configuration) along the property line would traverse a distance of approximately 660 feet with the slope being approximately .001, then the average turf time for this overland flow is 1.1 hours (see Exhibit 5). The distance traveled within the C-3 swale is approximately 1320 feet, the slope of the C-3 swale is approximately .001. This would yield a velocity of .49 feet per second or 1764 feet per hour. Therefore, dividing the 1320 feet traversed distance by our velocity of 1764 feet per hour, we find we have .75 hours flow time within C-3 canal profile. The C-3 swale then connects to our main canal system.

The main canal cross sections, their respective length, corresponding velocities, and therefore, the T.O.C. for each cross section is as follows (See Exhibit 4).

Cross Section	Distance	Velocity	T.O.C.
C-2-3	5160'	2268'/hr	2.28
C-2-3.5	2640'	2503'/hr	1.05
C-2-4.0	2640'	2700'/hr	.98
C-2-4.75	1320'	2966'/hr	.45
C-2-5.50	1320'	3228'/hr	.41
C-2-6.0	3840'	3384'/hr	1.13
C-1-7.0	6060'	3846'/hr	1.58
C-1-8.0	7920'	4176'/hr	<u>1.90</u>
			9.78

If we add the overland flow from the center of a parcel to the C-3-1, we have and additional 1.10 hours. Then the flow within the C-3-1 cross section is equal to .75 hours. Adding these two elements to the above elements, we come up with a total time of concentration of 11.63 hours.

Canal Flow

9.78 hours

Overland

1.10

C-3 Swale

.75

11.63 hours T.O.C.

It is obvious that for a storm frequency greater than a ten year storm, some form of a holding basin or basins must be provided.

It would appear that the most economical and practical method for providing the holding basins would be to coordinate the construction of individual lakes within the parcels with the land owners. These lakes would be beneficial to the individual parcel owners in that the fill could be utilized to raise the local areas for building pads and entrance roads, provide readily available water for livestock and/or crops.

When the S.F.W.M.D. implements its back pumping plan, Pine Tree Water Control District will be allowed to discharge 2"/day into C-51. The effect of a 2"/day discharge is to reduce the holding basin which must be provided.

The design water elevation within the district will range from between 8.5+ MSL to 11.00+ MSL, while the property ranges in elevation from 13+ to 16+. This should provide for a minimum storage of 2' at any lake location.

The maximum rainfall likely to occur during any 24 hour period as compiled by the Water Survey and Research Division of Florida State Board of Conservation is slightly in excess of nine inches. As previously shown, five inches could be allocated to ground storage and evapotranspiration.

One inch may be discharged into the West Palm Beach Canal (C-51).

Three inches must go into some form of holding basins, being held in these basins until the excess could be discharged at the allowable rate of one inch per day into the West Palm Beach Canal. With a minimum storage height available of two feet and with the three inches or .25 feet excess rainfall, then each square foot of

holding basins at a 2' depth could hold 8 square feet of runoff; therefore, approximately 1/8 or 12% of the land surface should be in the form of a holding basin to allow for retention of the maximum storm without occurring damage to crops and livestock. Buildings would not be endangered if their finished floors are constructed at the recommended elevations with or without the holding basins.

Culverts have not been sized because a final road layout has not been chosen. Upon selection of a road layout, the culvert and/or bridges will be sized to prevent upstream ponding and the resulting risk of flooding and damage to property upstream.

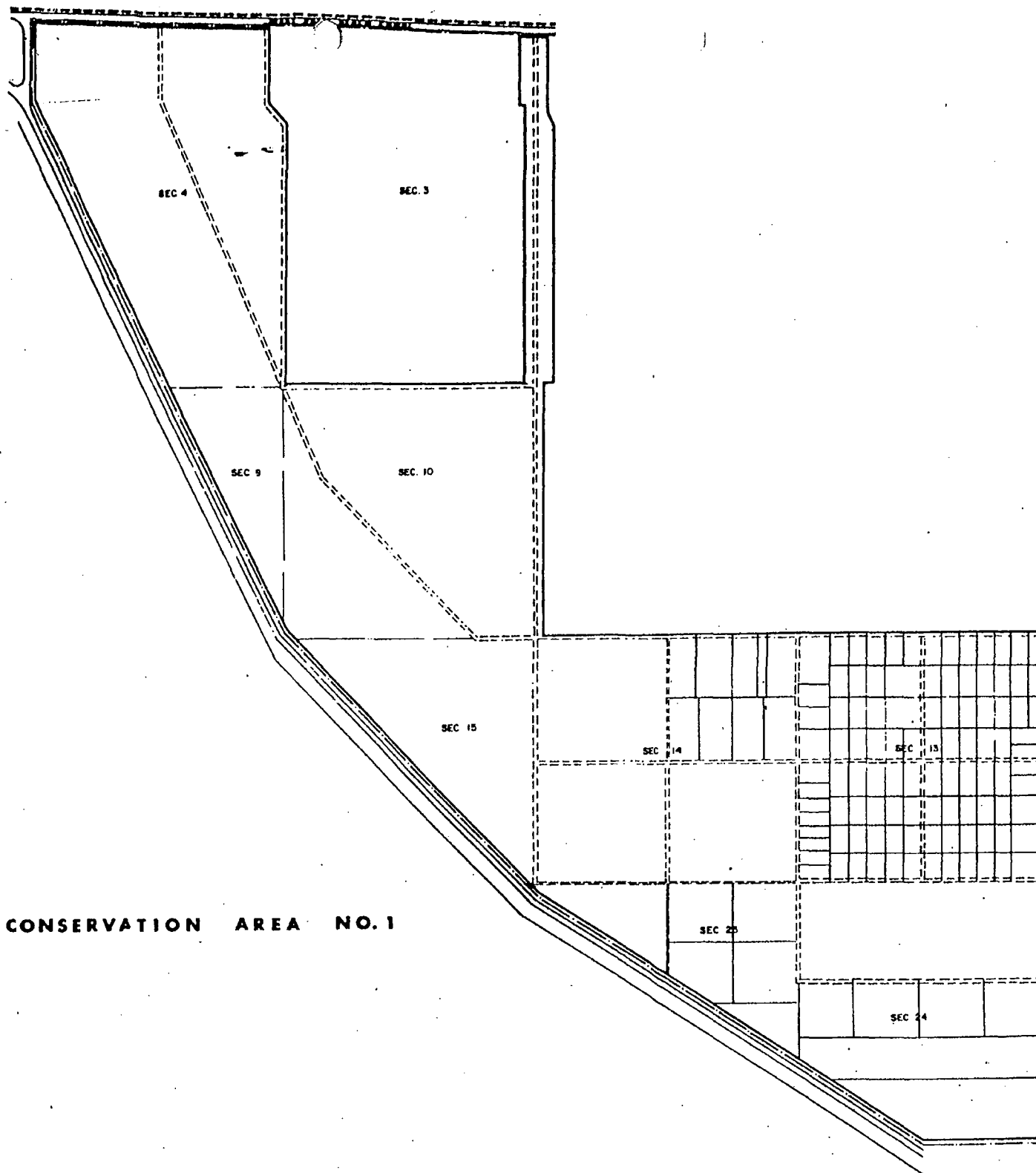
It is our recommendation that the finished floor be set at not less than 17' above MSL and/or 12" above the surrounding natural grade, whichever is greater.

The water elevation in West Palm Beach Canal during flood periods will be approximately 17.00'; therefore, our pumps must be capable of discharging against a 8' head.

There is an existing pumping station with 3 bays located at the intersection of the East line of Section 34 and C-51. The concrete sub-base is in fairly good shape but with some repair required. The wooden framing that supports the weight of the pumps has been replaced and a new floor installed.

This Easterly pump station has a 25,000 GPM pump.

The Westerly pump station has two 30,000 GPM pumps, one electric and one diesel.



CONSERVATION AREA NO. 1

property outline

NO. SCALE

EXHIBIT 1

BOUNDARY DESCRIPTION

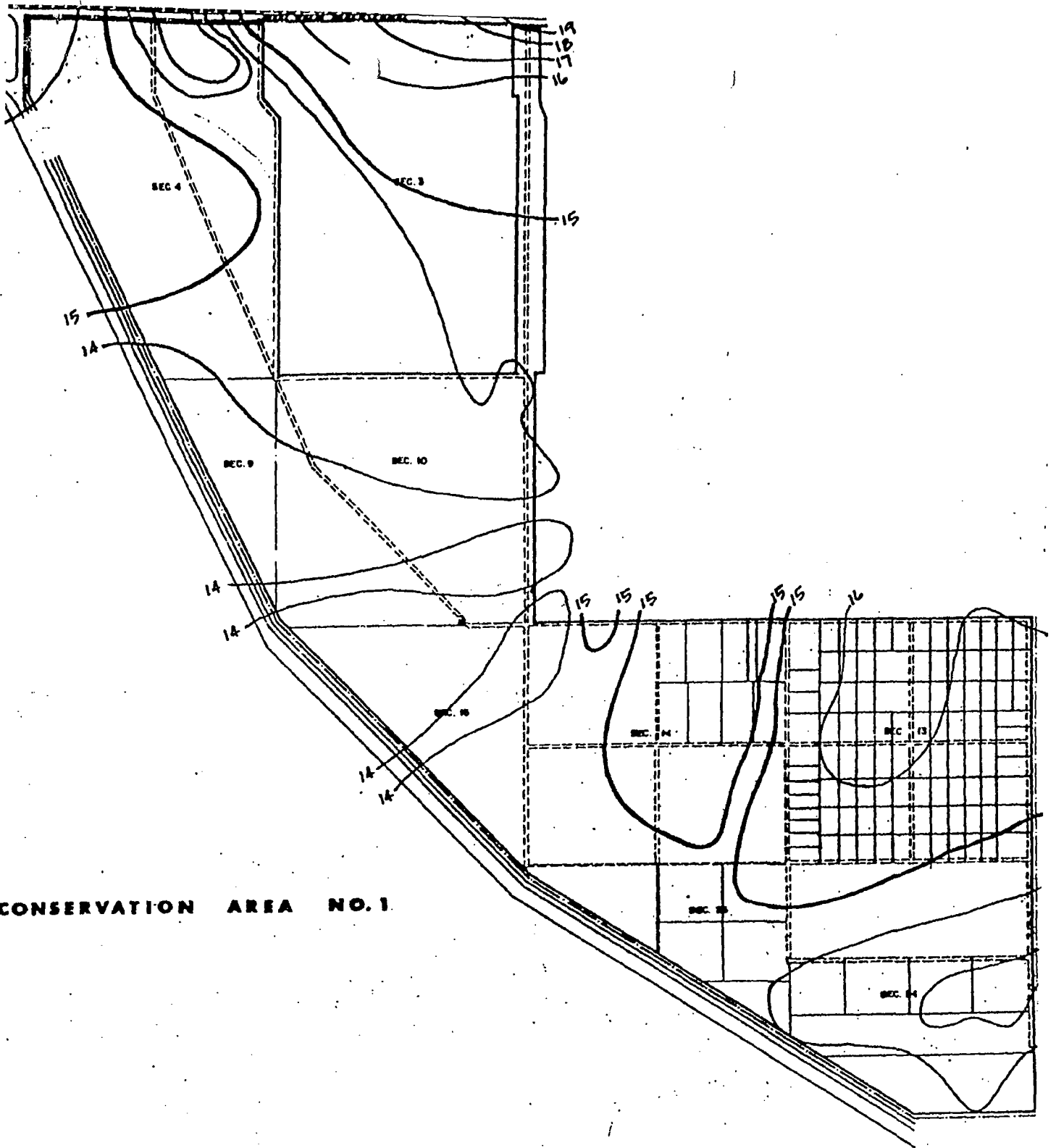
PINE TREE WATER CONTROL DISTRICT

Beginning at the Southeast corner of Section 24, Township 44 South, Range 40 East, run South $89^{\circ} 43' 08''$ West, along the South line of said Section 24 a distance of 2,674.64 feet to the Northerly right of way of Canal L-40; thence North $56^{\circ} 54' 19''$ West along said right of way of Canal L-40, a distance of 9,479.62 feet; thence North $42^{\circ} 15' 14''$ West and continuing along said Canal right of way 7,363.27 feet to the West line of Section 10, Township 44 South, Range 40 East; thence South $01^{\circ} 16' 05''$ West, along said West line of said Section 10, a distance of 57.57 feet; thence North $25^{\circ} 11' 01''$ West along the aforementioned Northerly right of way of Canal L-40, a distance of 12,185.26 feet to the West line of Hiatus Lot 4; thence North $01^{\circ} 14' 08''$ East along the West line of Hiatus Lot 4 a distance of 113.66 feet to the Southwest corner of Section 33, Township 43 South, Range 40 East; thence North $01^{\circ} 14' 08''$ East along the West line of said Section 33, a distance of 1,532.34 feet to the South right of way line of the West Palm Beach Canal; thence South $88^{\circ} 23' 22''$ East along said Canal right of way 4,981.18 feet; thence South $01^{\circ} 04' 07''$ West 1,541 feet to the South line of Section 33, Township 43 South, Range 40 East; thence South $42^{\circ} 09' 30''$ East 643.43 feet to the Northeast corner of Section 4, Township 44 South, Range 40 East; thence South $01^{\circ} 16' 05''$ West along the East line of said Section 4 a distance of 5,314.41 feet to the Southeast corner of said Section 4; thence North $89^{\circ} 44' 30''$ East along the North line of Section 10, Township 44 South, Range 40 East, 4,875.18 feet; thence run North $01^{\circ} 15' 49''$ East 5,304.15 feet to a point on the South line of Hiatus Lot 3; thence North $01^{\circ} 25' 51''$ East 515.41 feet; thence North $87^{\circ} 27' 20''$ West 106.75 feet; thence North $00^{\circ} 51' 10''$ East 1,336.85 feet to the South right of way line of West Palm

EXHIBIT 1A

Beach Canal; thence South $88^{\circ} 21' 18''$ East along the South right of way of said Canal 363.94 feet; thence continue along the South line of said Canal right of way South $88^{\circ} 28' 22''$ East 200.02 feet; thence South $00^{\circ} 56' 00''$ West 1,544.21 feet to the South line of Section 35, Township 43 South, Range 40 East; thence South $24^{\circ} 36' 48''$ East 325 feet to the North line of Section 2, Township 44 South, Range 40 East, said line also being the South line of Hiatus Lot 2; thence South $01^{\circ} 15' 44''$ West 5,302.88 feet to the South line of Section 2; thence South $89^{\circ} 44' 30''$ West along the South line of said Section 2 a distance of 200.07 feet to the Southwest corner of said Section 2; thence South $01^{\circ} 15' 44''$ West along the West line of Section 11, Township 44 South, Range 40 East 5278.18 feet to the Southwest corner of said Section 11; thence North $89^{\circ} 43' 57''$ East along the North lines of Sections 14 and 13, Township 44 South, Range 40 East, 10,536.48 feet to the Northeast corner of said Section 13; thence South $01^{\circ} 17' 26''$ West along the East line of said Section 13 a distance of 5,276.29 feet to the Southeast corner of said Section 13, thence South $01^{\circ} 20' 00''$ West along the East line of Section 24, Township 44 South, Range 40 East 5,279.90 feet to the Southeast corner of Section 24 and the Point of Beginning.

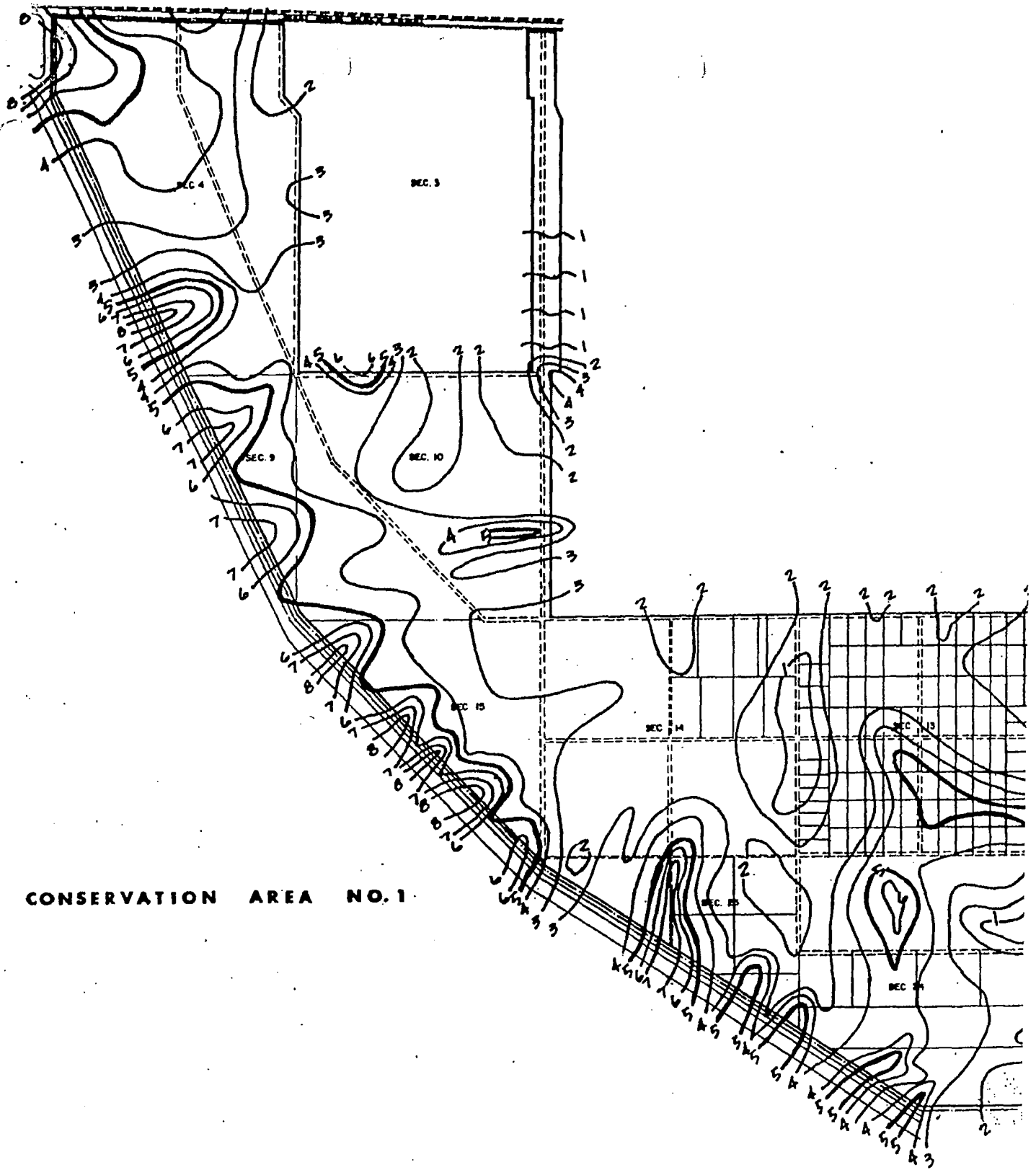
Containing 4,022 acres, more or less.



CONSERVATION AREA NO. 1

ground elevations
NO SCALE

EXHIBIT 2

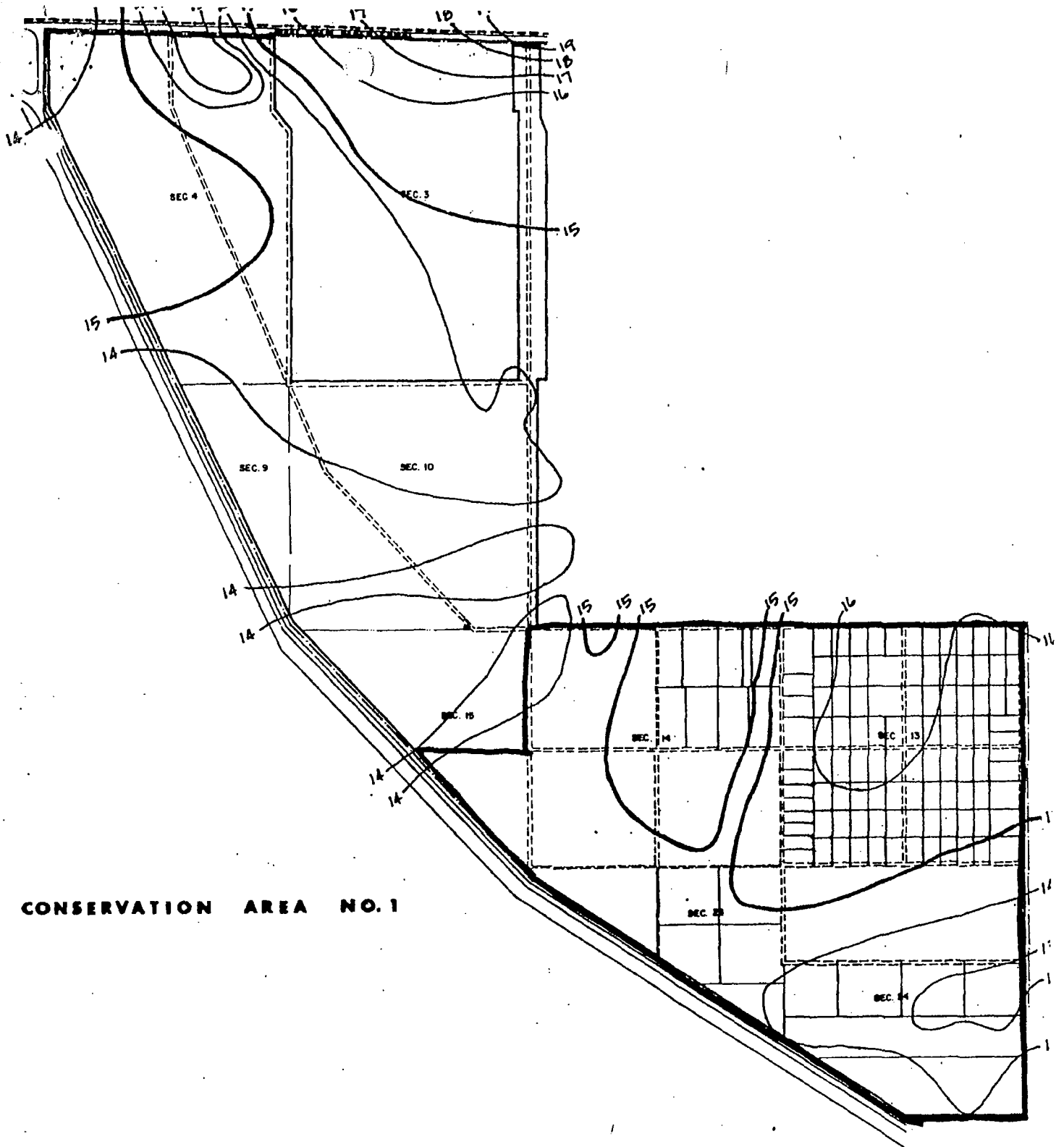


CONSERVATION AREA NO. 1

depth of muck
elevations

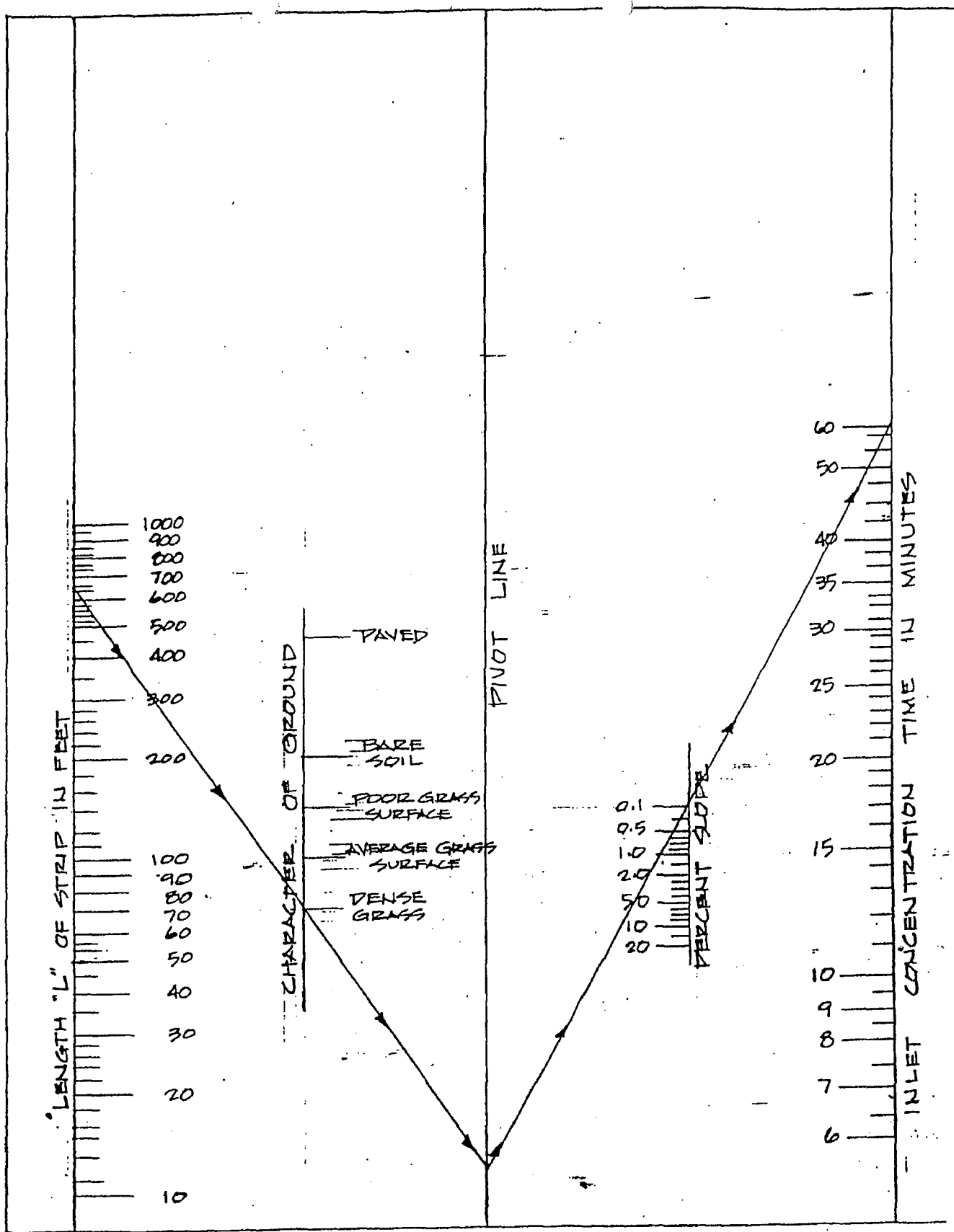
NO SCALE

EXHIBIT 3



CONSERVATION AREA NO. 1

ground elevations
NO SCALE



OVERLAND FLOW TIME

EXHIBIT 5



Exhibit D - 2018 Legislation

CHAPTER 2018-170

Committee Substitute for Committee Substitute for House Bill No. 901

An act relating to the Acme Improvement District and the Pine Tree Water Control District, Palm Beach County; transferring certain land from the Acme Improvement District to the Pine Tree Water Control District; amending ch. 2009-270, Laws of Florida; providing boundaries of the Pine Tree Water Control District; amending ch. 2003-330, Laws of Florida, as amended; providing boundaries of the Acme Improvement District; providing purpose; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Extension of Pine Tree Water Control District boundaries.—
The lands commonly known as the Flying Cow Ranch property, more particularly described below, shall be added to the territorial limits of the Pine Tree Water Control District in Palm Beach County as codified under chapter 2009-270, Laws of Florida, and shall be removed from the territorial limits of the Acme Improvement District, a local governmental body, corporate and politic under the drainage laws of the state, existing in Palm Beach County, as codified under chapter 2003-330, Laws of Florida, as amended by chapters 2012-256 and 2014-242, Laws of Florida. The purpose of the transfer of property from the Acme Improvement District to Pine Tree Water Control District is to facilitate the development of the Flying Cow Ranch property. The Flying Cow Ranch property is more particularly described as follows:

Parcel 2:

All that part of the North one half (N ½) of the North one half (N ½) of Section 25, Township 44 South, Range 40 East, said Section being unsurveyed, lying North and East of the Northeasterly right-of-way line of Levee L-40 which Levee is one of the works of the plan of flood control for Central and Southern Florida extending through said Section 25, said Northeasterly right-of-way line being more particularly described as follows:

Beginning at a concrete monument designated as FCE-642 on the Northeasterly right-of-way line of Levee L-40 in Section 23, Township 44 South, Range 40 East, the coordinates of which are X-722,202.10 and Y-833,959.35; thence running South 56°55'11" East to the North line of said Section 25, Township 44 South, Range 40 East; thence continuing South 56°55'11" East to a concrete monument designated as FCE-641 in said Section 25; thence running South 57°08'22" East, to the East line of said Section 25.

LESS and EXCEPTING therefrom the following: A parcel of land lying in the Northeast one-quarter of Section 25, Township 44 South, Range 40 East, being the East 30 feet of those certain lands described as Parcel "A" in the instrument recorded in Official Records Book 15060, Page 293 of the Public Records of Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Northeast corner of said Section 25; thence South 01°17'01" West (Basis of Bearings) along the East line of said Section 25, 50.01 feet to the Point of Beginning; thence continue South 01°17' 01" West along said East line, 1271.88 feet to the South line of the North one-half of the North one-half of said Section 25; thence South 89°43'08" West along said South line of the North one-half of the North one-half of said Section 25, 30.01 feet to a line 30.00 feet West of as measured at right angles and parallel with the East line of said Section 25; thence North 01°17'01" East along said parallel line 1271.88 feet to the South line of those certain lands as conveyed to Acme Drainage District in Official Records Book 206, Page 279 of the Public Records of Palm Beach County, Florida; thence North 89° 43' 08" East along said line 30.01 feet to the Point of Beginning. Said lands situate, lying and being in Palm Beach County, Florida.

Said lands situate in Palm Beach County, Florida and contain 49.149 ac. more or less.

Parcel 3:

All that portion of the South half of the North half of Section 25, Township 44 South, Range 40 East, Palm Beach County, Florida, and lying easterly of the Easterly Right-of-Way line of South Florida Water Management District's Levee L-40.

Also known as:

A portion of Section 25, Township 44 South, Range 40 East, described as follows: Beginning at the Southeast corner of those certain lands as conveyed in Official Records Book 15060, Page 293 of the Official Records of Palm Beach County, Florida; thence, South 01°17'01" West, (basis of bearings, a grid azimuth) along the East line of said Section 25, 398.46 feet more or less to an intersection with the Easterly Right-of-Way line of the Central and Southern Florida Flood Control District Canal L-40; thence, North 57°08'22" West along said Easterly Right-of-Way line, 729.21 feet, more or less, to the Southwest corner of those certain lands as conveyed in said Official Records Book 15060, Page 293; thence North 89°43'08" East, 621.49 feet, more or less, along the South line of the North half of the North half of said Section 25 to the Point of Beginning.

Said lands situate in Palm Beach County, Florida and contain 2.804 ac. more or less.

Section 2. Section 1 of section 3 of chapter 2009-270, Laws of Florida, is amended to read:

Section 1. District created and boundaries thereof; validating creation of district under chapter 298, Florida Statutes.—That for the purpose of reclaiming and draining the lands hereinafter described and protecting such lands from the effects of water by means of the construction and maintenance of canals, ditches, levees, dikes, pumping plants, and other drainage works and improvements, and for the purpose of making the lands within the district available and habitable for settlement and agriculture, and for the public convenience, welfare, utility, and benefit, and for the other purposes stated in this act, an independent drainage district is hereby created and established in Palm Beach County, to be known as the Pine Tree Water Control District, the territorial boundaries of which shall be as follows, ~~to-wit:~~

Beginning at the Southeast corner of Section 24, Township 44 South, Range 40 East, run South 89° 43' 08" West, along the South line of said Section 24 a distance of 2,674.64 feet to the Northerly right of way of Canal L-40; thence North 56° 54' 19" West along said right of way of Canal L-40, a distance of 9,479.62 feet; thence North 42° 15' 14" West and continuing along said Canal right of way 7,363.27 feet to the West line of Section 10, Township 44 South, Range 40 East; thence South 01° 16' 05" West, along said West line of said Section 10, a distance of 57.57 feet; thence North 25° 11' 01" West along the aforementioned Northerly right of way of Canal L-40, a distance of 12,185.26 feet to the West line of Hiatus Lot 4; thence North 01° 14' 08" East along the West line of Hiatus Lot 4, a distance of 113.66 feet to the Southwest corner of Section 33, Township 43 South, Range 40 East; thence North 01° 14' 08" East along the West line of said Section 33, a distance of 1,532.34 feet to the South right-of-way line of the West Palm Beach Canal; thence South 88° 23' 22" East along said Canal right of way 4,981.18 feet; thence South 01° 04' 07" West, 1,541 feet to the South line of Section 33, Township 43 South, Range 40 East; thence South 42° 09' 30" East, 643.43 feet to the Northeast corner of Section 4, Township 44 South, Range 40 East; thence South 01° 16' 05" West along the East line of said Section 4, a distance of 5,314.41 feet to the Southeast corner of said Section 4; thence North 89° 44' 30" East along the North line of Section 10, Township 44 South, Range 40 East, 4,875.18 feet; thence run North 01° 15' 49" East, 5,304.15 feet to a point on the South line of Hiatus Lot 3; thence North 01° 25' 51" East, 515.41 feet; thence North 87° 27' 20" West, 106.75 feet; thence North 00° 51' 10" East, 1,336.85 feet to the South right-of-way line of West Palm Beach Canal; thence South 88° 21' 18" East along the South right of way of said Canal 363.94 feet; thence continue along the South line of said Canal right of way South 88° 28' 22" East, 200.02 feet; thence South 00° 56' 00" West, 1,544.21 feet to the South line of Section 35, Township 43, South, Range 40 East; thence South 24° 36' 48" East, 325 feet to the North line of Section 2, Township 44 South, Range 40 East, said line also being the South line of Hiatus Lot 2; thence South

01° 15' 44" West, 5,302.88 feet to the South line of said Section 2; thence South 89° 44' 30" West along the South line of said Section 2, a distance of 200.07 feet to the Southwest corner of said Section 2; thence South 01° 15' 44" West, along the West line of Section 11, Township 44 South, Range 40 East, 5,278.18 feet to the Southwest corner of said Section 11; thence North 89° 43' 57" East; along the North lines of Sections 14 and 13, Township 44 South, Range 40 East, 10,536.48 feet to the Northeast corner of said Section 13; thence South 01° 17' 26" West along the East line of said Section 13, a distance of 5,276.29 feet to the Southeast corner of said Section 13; thence South 01° 20' 00" West along the East line of Section 24, Township 44 South, Range 40 East, 5,279.90 feet to the Southeast corner of said Section 24 and the Point of Beginning.

Containing 4,022 acres, more or less.

which said boundary line embraces and includes those certain tracts or parcels of land situate in Palm Beach County, Florida, described as follows:

All of that part of the East Quarter of the Southeast Quarter of Section 34, Township 43 South, Range 40 East, lying South of the South right-of-way line of West Palm Beach Canal, the West boundary of which parcel being established by that certain Boundary Line Agreement dated November 1, 1956, recorded in Deed Book 1161, page 371, of the Public Records of Palm Beach County, Florida; all that part of the West 200 feet of Section 35, Township 43 South, Range 40 East, lying South of the South right-of-way line of West Palm Beach Canal; the West 200 feet of Hiatus Lot 2, between Townships 43 and 44 South, Range 40 East; all of that part of Hiatus Lot 3, between Townships 43 and 44 South, Range 40 East, which lies East of that certain lines established as a boundary line by Boundary Line Agreement dated November 1, 1956, recorded in Deed Book 1161, page 371, Public Records of Palm Beach County, Florida; all of that part of Hiatus Lot 4, between Townships 43 and 44 South, Range 40 East, lying Easterly of the East right-of-way line of Levee L-40, excepting therefrom the east triangular portion lying East of a line running from the Southeast corner to a point 293 feet West of the Northeast corner thereof; the West 200 feet of Section 2, the East 400 feet of Section 3, all that part of Sections 4, 9, 15, 16, 22, 23 and 24, lying North and East of the Northeasterly boundary of the right-of-way of Levee L-40, and all of Section 10, 13 and 14, all in Township 44 South, Range 40 East, in Palm Beach County, Florida.

All of Section 33 lying South of West Palm Beach Canal in Township 43 South, Range 40 East, less the East 293 feet.

Together with the following 51.953 acres, more or less, known as the Flying Cow Ranch Property:

All that part of the North one half (n ½) of the North one half (n ½) of Section 25, Township 44 South, Range 40 East, said Section being

unsurveyed, lying North and East of the Northeasterly right-of-way line of Levee L-40 which Levee is one of the works of the plan of flood control for Central and Southern Florida extending through said Section 25, said Northeasterly right-of-way line being more particularly described as follows:

Beginning at a concrete monument designated as FCE-642 on the Northeasterly right-of-way line of Levee L-40 in Section 23, Township 44 South, Range 40 East, the coordinates of which are x-722,202.10 and y-833,959.35; thence running South 56° 55' 11" East to the North line of said Section 25, Township 44 South, Range 40 East; thence continuing South 56° 55' 11" East to a concrete monument designated as FCE-641 in said Section 25; thence running South 57° 8' 22" East, to the East line of said Section 25.

Less and except therefrom the following:

A parcel of land lying in the Northeast one-quarter of Section 25, Township 44 South, Range 40 East, being the East 30 feet of those certain lands described as parcel "a" in the instrument recorded in Official Records Book 15060, page 293 of the Public Records of Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Northeast corner of said Section 25; thence South 01° 17' 01" West (basis of bearings) along the East line of said Section 25, 50.01 feet to the point of beginning; thence continue South 01° 17' 01" West along said East line, 1271.88 feet to the South line of the North one-half of the North one-half of said Section 25; thence South 89° 43' 08" West along said South line of the North one-half of the North one-half of said Section 25, 30.01 feet to a line 30.00 feet West of as measured at right angles and parallel with the East line of said Section 25; thence north 01° 17' 01" East along said parallel line 1271.88 feet to the South line of those certain lands as conveyed to Acme Drainage District in Official Records Book 206, page 279 of the Public Records of Palm Beach County, Florida; thence North 89° 43' 08" East along said line 30.01 feet to the point of beginning.

Containing 49.149 acres, more or less.

Together with:

All that portion of the South half of the north half of Section 25, Township 44 South, Range 40 East, Palm Beach County, Florida, and lying Easterly of the Easterly right-of-way line of South Florida Water Management District's Levee L-40.

Also known as:

A portion of Section 25, Township 44 South, Range 40 East, described as follows: beginning at the Southeast corner of those certain lands as conveyed in Official Records Book 15060, page 293 of the Official

Records of Palm Beach County, Florida: thence, South 01°17'01" West, (basis of bearings, a grid azimuth) along the East line of said Section 25, 398.46 feet more or less to an intersection with the Easterly right-of-way line of the Central and Southern Florida Flood Control District Canal L-40; thence, North 57°08'22" West along said Easterly right-of-way line, 729.21 feet, more or less, to the Southwest corner of those certain lands as conveyed in said Official Records Book 15060, page 293; thence north 89°43'08" East, 621.49 feet, more or less, along the South line of the North half of the North half of said Section 25 to the point of beginning.

Containing 2.804 acres, more or less.

Said lands situate in Palm Beach County, Florida, and contain 51.953 ac. more or less.

Section 3. Section 1 of section 3 of chapter 2003-330, Laws of Florida, as amended by chapters 2012-256 and 2014-242, Laws of Florida, is amended to read:

Section 1. District Created and Boundaries thereof; Validating Creation of District under chapter 298, Florida Statutes.—That for the purpose of reclaiming and draining the lands hereinafter described and protecting said lands from the effects of water by means of the construction and maintenance of canals, ditches, levees, dikes, pumping plants, and other drainage works and improvements, and for the purpose of making the lands within said District available and habitable for settlement and agriculture, and for the public convenience, welfare, utility, and benefit, and for the other purposes stated in this Act, a drainage District is hereby created and established in Palm Beach County, to be known as the Acme Improvement District, the territorial boundaries of which shall be as follows, ~~to-wit:~~

All and Singular a certain parcel of Land, Lying and Situate in Range 41 East, Township 44 South and part of Range 41 East, Township 43 South, and part of Range 40 East, Township 44 South, part of Township 43 South, Range 40 East, part of Township 45 South, Range 41 East, and part of Hiatus, Palm Beach County, Florida.

All of Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 33, 34 and that part of Sections 30, 31 and 32 lying North Right of Way Limit of the Central and Southern Flood Control District's Levee 40 and that portions of Sections 12, 13, 24 and 25 Township 44 South, Range 41 East. Portion of Section 25 Township 44 South, Range 40 East, North Right of Way Limit of the Central and Southern Flood Control District's Levee 40. Portion of Sections 31, 32, 33, 34, and 35 lying South of the Right of Way line of the West Palm Beach Canal, Township 43 South, Range 41 East, Section 39, Township 44 South, Range 41 East and portions of Section 40 North of said North Right of Way Limit of the Central and Southern Flood Control District's Levee, and Section 3 and 4 of Township 45 South, Range 41 East lying

North of said North Right of Way Limit of the Central and Southern Flood Control District's Levee, Palm Beach County, Florida:

More particularly described:

Commencing at the intersection of the East Line of Section 35, Township 43 South, Range 41 East, and the South Right of Way Line of the West Palm Beach Canal;

Thence Southerly following the East Line of aforesaid section 35, to the Northeast corner Section 2, Township 44 South, Range 41 East.

Thence following Southerly along the east limit of aforesaid Section 2 to the Northeast corner Section 11, Township 44 East, Range 41 East,

Thence following Southerly along the aforesaid Easterly limit of Section 11 to a point on the Easterly limit of aforesaid Section 11 to the Northwest Corner of the Southwest Quarter of Section 12, Township 44 South, Range 41 East.

Thence Easterly along the north line of the aforesaid Southwest Quarter of Section 12 to an intersection of a line drawn 40 feet West and parallel to the East limit of aforesaid Southwest Quarter of Section 12,

Thence Southerly along the 40 foot parallel line the aforesaid Section 12, a distance of 1592.15 feet to a point,

Thence Easterly and parallel to the Southerly limit of aforesaid Section 12 a distance of 1572.99 feet to a point.

Thence Southerly and parallel to the Easterly limits of aforesaid Section 12 a distance of 1031.44 feet more or less to the Northerly limit of Forest Hill Boulevard Right of Way,

Thence Westerly along the Northerly limit of Forest Hill Boulevard on an arc to the left and with an arc length of 488.34 feet having a delta angle of 4 degrees 49 minutes 59 seconds and a radius of 5789.27 feet with a radial bearing of North 9 degrees 6 minutes 10 seconds East to a point of compound curvature.

Thence continuing Westerly along an arc to the left with a radius of 5789.27 feet an arc length of 203.52 feet having a delta angle of 2 degrees 0 minutes 51 seconds and a center bearing of North 3 degrees 46 minutes 29 seconds East, to a point.

Thence Southerly a distance 173 feet more or less to the intersection of the Northerly limit of Section 13, Township 44 South, Range 41 East.

Thence Southerly along a line 27.00 feet on a bearing of South 2 degrees 15 minutes 17 seconds West to a point of non tangential curvature.

Thence following a curve to the right with an arc length of 741.42 feet having a radius of 4443.66 feet and a delta angle of 9 degrees 33 minutes 35 seconds and radial bearing of North 2 degrees 15 minutes 17 seconds East, to a point of tangency,

Thence following a line 186.37 feet on a bearing of South 86 degrees 25 minutes 5 seconds East to a point,

Thence continuing along a line 70.31 feet on a bearing North 89 degrees 2 minutes 7 seconds East to the intersection with the Westerly Right of Way Line of State Road 7 (US 441) as shown on Plat Wellington Green, A MUPD.PUD, of the Public Records of Palm Beach County, Florida in Plat Book 87 Pages 81 thru 90,

Thence following a line a distance of 503.00 feet on a bearing of South 0 degrees 22 minutes 3 seconds East to a point,

Thence continuing along a line a distance of 1312.60 feet on a bearing of South 1 degrees 53 minutes 53 seconds West to a point,

Thence following a line a distance of 827.17 feet on a bearing of South 1 degrees 53 minutes 57 seconds West to a point of intersection with the South line of the North half of the South Half of aforesaid Section 13.

Thence Easterly following the aforesaid Southerly line of the North Half of the South Half of said Section 13 a distance of 5044.51 feet more or less to the West limit of said Section 13,

Thence Southerly along the Westerly limit of aforesaid Section 13 to the Northwest corner of Section 24, Township 44 South, Range 41 East.

Thence Southerly along the Westerly limit of aforesaid Section 24 to the Northwest corner of the Southwest Quarter of aforesaid Section 24.

Thence Easterly along the Northerly limit of said Southwest quarter of said Section 24 to the Northeast corner of the Southwest quarter of aforesaid Section 24.

Thence Southerly along the Easterly limit of the said Southwest Quarter of aforesaid Section 24 a distance of 306.42 feet to a point.

Thence Easterly along a line a distance of 606.10 feet on a bearing of North 88 degrees 52 minutes 2 seconds East to a point,

Thence following a line a distance of 1.68 feet on a bearing of North 1 degree 11 minutes 59 seconds West to a point,

Thence following a line a distance of 652.54 feet on a bearing of North 88 degrees 52 minutes 2 seconds East to a point,

Thence following a line a distance of 624.36 feet on a bearing of South 1 degree 12 minutes 58 seconds East to a point,

Thence following a line a distance of 1087.73 feet on a bearing of North 88 degrees 52 minutes 2 seconds East to a point in the Westerly Limit of State Road 7 (US 441) as shown on Plat of Versailles P.U.D. of the Public Records of Palm Beach County, Florida in Plat Book 93 Pages 17 thru 39.

Thence Southerly following the Westerly limit of State Road 7 (US 441) 165 foot Right of Way as per O.R.B. 9508 Page 1202 and O.R.B. 9488 Page 1661 of the Public Records of Palm Beach County, Florida.

Thence Easterly along the Northerly Limit of aforesaid Section 25 to a point measured 180.92 feet from the Northeasterly corner of said Section 25 said point being the Westerly Limit of State Road 7 (US 441) as per O.R.B. 5642 Page 1160.

Thence Southerly along the Westerly Limit of State Road 7 (US 441) as shown on Plat Shoppes at Wycliffe of the Public Records of Palm Beach County, Florida in Plat Book 83 Pages 41 thru 43 to a point of intersection with the North East corner of Tract 'P' of Plat Wycliffe Plat One of the Public Records of Palm Beach County, Florida in Plat Book 62 Pages 8 thru 13.

Thence Southerly along the Westerly Limit of State Road 7 (US 441) Right of Way as per O.R.B. 5642 Page 1610 to the intersection of the Southerly Limit of aforesaid Section 25.

Thence Westerly following the Southerly Limit of aforesaid Section 25 to the Southeasterly corner of Section 26 Township 44 South, Range 41 East.

Thence Westerly following the Southerly Limit of aforesaid Section 26 to the Northeasterly corner of Section 34 Township 44 South, Range 41 East.

Thence Southerly along the Easterly Limit of aforesaid Section 34 to the Southeasterly corner of aforesaid Section 34 to the Northeasterly corner of Section 39, Township 44 South, Range 41 East.

Thence Southerly along the Easterly Limit of aforesaid Section 39 to the Northeasterly corner of Section 3, Township 45 South, Range 41 East.

Thence following the Easterly Limit of aforesaid Section 3 to the Southeast corner of Section 3.

Thence Westerly along the Southerly Limit of said Section 3 to the intersection of the North Right of Way Limit of the Central and Southern Flood Control District's Levee 40.

Thence Northerly following the Northerly Limit of said Levee 40 to the intersection of the Easterly Limit of Section 4, Township 45 South, Range 41 East.

Thence Northerly along the Northerly Limit of said Levee 40 to the Southerly Limit of Section 40, Township 44 South, Range 41 East.

Thence Northerly along the Northerly Limit of said Levee 40 to the Southerly Limit of Section 33, Township 44 South, Range 41 East.

Thence Northerly along aforesaid Northerly Limit of said Levee 40 to the intersection with the East Limit of Section 31 Township 44 South, Range 41 East.

Thence Northerly along aforesaid Northerly Limit of said Levee 40 to the intersection with the South Limit of Section 30 Township 44 South, Range 41 East.

Thence Northerly along aforesaid Northerly Limit of said Levee 40 to the intersection of the Easterly Limit of Section 25 Township 44 South, Range 40 East.

Thence Northerly along aforesaid Northerly Limit of said Levee 40 to the intersection of the Northerly Limit of aforesaid Section 25 Township 44 South, Range 40 East.

Thence Easterly along aforesaid Northerly Limit of said Section 25 to the Westerly limit of Section 30 Township 44 South, Range 41 East.

Thence Northerly along the Easterly Limit of Section 24, Township 44 South, Range 40 East to the Southwesterly corner of Section 13, Township 44 South, Range 40 East.

Thence Northerly along aforesaid Easterly Limit of said Section 13 to the Southwesterly corner of Section 12, Township 44 South, Range 40 East.

Thence Westerly along the said Southerly Limit of Section 12 to the Southwest corner of said Section.

Thence Northerly along the Westerly Limit of said Section 12 to the Southwest corner of Section 1, Township 44 South, Range 40 East.

Thence Northerly along the Westerly Limit of Section 1 to the Southeast corner of Section 1 Hiatus.

Thence Northerly along the Westerly Limit of Section 1 Hiatus to the Southeast corner of Section 36, Township 43 South, Range 40 East.

Thence along the Westerly Limit of said Section 36 to the intersection of the South Right of Way line of the West Palm Beach Canal.

Thence following the aforesaid Southerly Limit of said West Palm Beach Canal to the intersection of the Westerly Limit of Section 31 Township 43 South, Range 41 East.

Thence following the aforesaid Southerly Limit of said West Palm Beach Canal to the intersection of the Westerly Limit of Section 32 Township 43 South, Range 41 East.

Thence following the aforesaid Southerly Limit of said West Palm Beach Canal to the intersection of the Westerly Limit of Section 33 Township 43 South, Range 41 East.

Thence following the aforesaid Southerly Limit of said West Palm Beach Canal to the intersection of the Westerly Limit of Section 34 Township 43 South, Range 41 East.

Thence following the aforesaid Southerly Limit of said West Palm Beach Canal to the intersection of the Westerly Limit of Section 35 Township 43 South, Range 41 East.

Thence following the aforesaid Southerly Limit of said West Palm Beach Canal to the Point of Commencement.

Landowners within the existing boundaries of the Acme Improvement District shall not be obligated or taxed to pay for the cost of amending the District boundaries or to pay the cost of any improvements made by the District to benefit the lands being included within the boundaries of the District by this Act.

Together with:

A parcel of land being a portion of Block 18, The Palm Beach Farms Company Plat No. 3 as recorded in Plat Book 2, pages 45 through 54, all of Venra Development, LLC, as recorded in Plat Book 97, pages 179 and 180, all of Wellington MUPD, as recorded in Plat Book 101, pages 132 and 133, and all of Wellington Reserve Office Park, as recorded in Plat Book 103, pages 178 through 180, all according to the plats thereof as recorded in the public records of Palm Beach County, Florida, lying within Section 12, Township 44 South, Range 41 East, Being more particularly described as follows:

PARCEL 1

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 12, THENCE NORTH 87° 53' 57" WEST ALONG THE NORTH LINE OF SECTION 12, A DISTANCE OF 235.27 FEET; THENCE SOUTH 01° 38' 27" WEST ALONG A LINE LYING 240.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE BASELINE OF SURVEY FOR STATE ROAD 7 (US 441) ACCORDING TO THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 93210-2519, SAID PARALLEL LINE BEING THE WEST RIGHT-OF-WAY LINE OF SAID STATE ROAD 7, AND THE EAST LINE OF BLACK DIAMOND PHASE 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 94, PAGES 83 THROUGH 91, PUBLIC RECORDS OF PALM BEACH COUNTY,

FLORIDA, A DISTANCE OF 329.79 FEET; THENCE CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE SOUTH 01° 38' 26" WEST, A DISTANCE OF 7.18 FEET TO THE POINT OF BEGINNING; SAID POINT BEING THE SOUTHEAST CORNER OF TRACT C-1, OF SAID BLACK DIAMOND – PHASE 1; THENCE CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE OF STATE ROAD 7 FOR THE FOLLOWING FIVE COURSES, SOUTH 01° 38' 26" WEST, A DISTANCE OF 1992.65 FEET; THENCE SOUTH 01° 38' 18" WEST, A DISTANCE OF 1015.08 FEET; THENCE NORTH 89° 01' 51" EAST ALONG THE NORTH LINE OF TRACT 20, BLOCK 18, OF SAID PALM BEACH FARMS CO. PLAT NO. 3, A DISTANCE OF 2.66 FEET TO A POINT ON A LINE LYING 240.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE EAST LINE OF SAID SECTION 12; THENCE SOUTH 01° 30' 47" WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 1026.20 FEET; THENCE SOUTH 03° 48' 15" WEST, A DISTANCE OF 896.51 FEET TO A POINT OF INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF FOREST HILL BOULEVARD, SAID POINT BEING ON A CURVE CONCAVE TO THE NORTH, HAVING A RADIAL BEARING OF NORTH 03° 41' 07" EAST, A RADIUS OF 5665.58 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 03°02'00", AN ARC DISTANCE OF 299.95 FEET TO A POINT OF TANGENCY; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF FOREST HILL BOULEVARD FOR THE NEXT TWO COURSES NORTH 82° 08' 55" WEST, A DISTANCE OF 400.07 FEET; THENCE NORTH 80° 52' 41" WEST, A DISTANCE OF 4.48 FEET TO THE EAST RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT S-5 CANAL AS RECORDED IN OFFICIAL RECORD BOOK 6813 AT PAGE 1513 OF SAID PUBLIC RECORDS, SAID EAST RIGHT-OF-WAY LINE LYING 255.91 FEET WEST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE EAST LINE OF TRACTS 27 AND 22, BLOCK 18; THENCE NORTH 01° 19' 04" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 1129.11 FEET TO A POINT LYING ON THE NORTH LINE OF SAID TRACT 22, BLOCK 18; THENCE SOUTH 89° 04' 17" WEST ALONG THE NORTH LINE OF TRACTS 22, 23 AND 24, BLOCK 18, SAID NORTH LINE ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT S-5 CANAL AS RECORDED IN OFFICIAL RECORD BOOK 6813 AT PAGE 1513 OF SAID PUBLIC RECORDS, A DISTANCE OF 1561.60 FEET TO A POINT ON A LINE LYING 26.36 FEET EAST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE WEST LINE OF TRACTS 17 AND 16, BLOCK 18; THENCE ALONG SAID PARALLEL LINE AND EAST RIGHT-OF-WAY LINE OF SAID S-5 CANAL FOR THE FOLLOWING SEVEN COURSES, NORTH 01° 27' 57" EAST, A DISTANCE OF 1344.77 FEET TO THE NORTH LINE OF SAID TRACT 16, BLOCK 18; THENCE SOUTH 88° 59' 24" WEST ALONG SAID NORTH LINE AND WESTERLY EXTENSION THEREOF, A DISTANCE OF 53.29 FEET

TO THE WEST LINE OF SAID BLOCK 18; THENCE NORTH 01° 25' 21" EAST ALONG SAID WEST LINE OF BLOCK 18, A DISTANCE OF 684.83 FEET; THENCE NORTH 88° 56' 58" EAST ALONG THE WESTERLY EXTENSION OF THE SOUTH LINE OF TRACT 9 AND THE SOUTH LINE OF TRACT 9, BLOCK 18, DISTANCE OF 42.44 FEET; THENCE NORTH 01° 27' 57" EAST ALONG A LINE LYING 15.00 FEET EAST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE WEST LINE OF SAID TRACT 9, BLOCK 18, A DISTANCE OF 672.37 FEET TO THE CENTERLINE OF THE PLATTED 25 FOOT ROAD, DYKE AND DITCH RESERVATION LYING BETWEEN TRACTS 4 AND 9, OF SAID BLOCK 18; THENCE NORTH 88° 54' 32" EAST ALONG SAID CENTERLINE, A DISTANCE OF 11.37 FEET; THENCE NORTH 01° 27' 57" EAST ALONG A LINE LYING 26.36 FEET EAST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE WEST LINE OF TRACT 4, BLOCK 18, A DISTANCE OF 672.38 FEET TO THE NORTH LINE OF SAID TRACT 4, BLOCK 18, SAID NORTH LINE ALSO BEING THE SOUTH LINE OF TRACT C-1, OF SAID BLACK DIAMOND - PHASE 1; THENCE NORTH 88° 52' 06" EAST ALONG THE SOUTH LINE OF TRACTS C-1 AND P-2 OF SAID BLACK DIAMOND - PHASE 1, A DISTANCE OF 1653.68 FEET TO THE SOUTHEAST CORNER SAID TRACT P-2; THENCE NORTH 01° 19' 04" WEST ALONG THE EAST LINE OF TRACTS P-2 AND C-1, A DISTANCE OF 345.30 FEET TO THE SOUTH LINE OF SAID TRACT C-1; THENCE SOUTH 89° 10' 35" EAST ALONG THE SOUTH LINE OF TRACT C-2, A DISTANCE OF 725.10 FEET TO THE POINT OF BEGINNING.

CONTAINING 209.53 ACRES, MORE OR LESS

BEARINGS SHOWN HEREON ARE REFERENCED TO GRID BEARINGS BASED ON FLORIDA STATE PLANE EAST ZONE, NORTH AMERICAN DATUM OF 1927, AS DETERMINED AND ACCORDING TO THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR STATE ROAD 7, (US 441) SECTION 93210-2519, THE EAST LINE OF SECTION 12 BEARS NORTH 01° 30' 47" EAST AND ALL OTHER BEARING ARE RELATIVE THERETO.

TOGETHER WITH:

PARCEL 2

BEING ALL OF TRACT C-1, TRACT L-1, TRACT P-2 AND TRACT C-13, BLACK DIAMOND – PHASE 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 94, PAGES 83 THROUGH 91, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 5.82 ACRES, MORE OR LESS

TOTAL SERVICE AREA OF PARCEL 1 AND PARCEL 2 CONTAIN 215.35 ACRES, MORE OR LESS.

Less and except the following 51.953 acres, more or less, known as the Flying Cow Ranch property:

All that part of the North one half (n ½) of the North one half (n ½) of section 25, Township 44 South, Range 40 East, said section being unsurveyed, lying North and East of the Northeasterly right-of-way line of Levee L-40 which Levee is one of the works of the plan of flood control for Central and Southern Florida extending through said section 25, said Northeasterly right-of-way line being more particularly described as follows:

Beginning at a concrete monument designated as FCE-642 on the Northeasterly right-of-way line of Levee L-40 in section 23, Township 44 South, Range 40 East, the coordinates of which are x-722,202.10 and y-833,959.35; thence running South 56° 55' 11" East to the North line of said section 25, Township 44 South, Range 40 East; thence continuing South 56° 55' 11" East to a concrete monument designated as FCE-641 in said section 25; thence running South 57° 8' 22" East, to the East line of said section 25.

Less and except therefrom the following:

A parcel of land lying in the Northeast one-quarter of section 25, Township 44 South, Range 40 East, being the East 30 feet of those certain lands described as parcel "a" in the instrument recorded in Official Records Book 15060, page 293 of the Public Records of Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Northeast corner of said section 25; thence South 01° 17' 01" West (basis of bearings) along the East line of said section 25, 50.01 feet to the point of beginning; thence continue South 01° 17' 01" West along said East line, 1271.88 feet to the South line of the North one-half of the North one-half of said section 25; thence South 89° 43' 08" West along said South line of the North one-half of the North one-half of said section 25, 30.01 feet to a line 30.00 feet West of as measured at right angles and parallel with the East line of said section 25; thence North 01° 17' 01" East along said parallel line 1271.88 feet to the South line of those certain lands as conveyed to Acme Drainage District in Official Records Book 206, page 279 of the Public Records of Palm Beach County, Florida; thence North 89° 43' 08" East along said line 30.01 feet to the point of beginning.

Containing 49.149 acres, more or less.

Also less and except:

All that portion of the South half of the North half of section 25, Township 44 South, Range 40 East, Palm Beach County, Florida, and

lying Easterly of the Easterly right-of-way line of South Florida Water Management District's Levee L-40.

Also known as:

A portion of section 25, Township 44 South, Range 40 East, described as follows: beginning at the Southeast corner of those certain lands as conveyed in Official Records Book 15060, page 293 of the Official Records of Palm Beach County, Florida: thence, South 01°17'01" West, (basis of bearings, a grid azimuth) along the East line of said section 25, 398.46 feet more or less to an intersection with the Easterly right-of-way line of the Central and Southern Florida Flood Control District Canal L-40; thence, North 57°08'22" West along said Easterly right-of-way line, 729.21 feet, more or less, to the Southwest corner of those certain lands as conveyed in said Official Records Book 15060, page 293; thence North 89°43'08" East, 621.49 feet, more or less, along the South line of the North half of the North half of said section 25 to the point of beginning.

Containing 2.804 acres, more or less.

Said lands situate in Palm Beach County, Florida and contain 51.953 ac., more or less.

Section 4. This act shall take effect upon becoming a law.

Approved by the Governor March 23, 2018.

Filed in Office Secretary of State March 23, 2018.



Exhibit E - Boundary Description

Beginning at the Southeast corner of Section 24, Township 44 South, Range 40 East, run South 89° 43' 08" West, along the South line of said Section 24 a distance of 2,674.64 feet to the Northerly right of way of Canal L-40; thence North 56° 54' 19" West along said right of way of Canal L-40, a distance of 9,479.62 feet; thence North 42° 15' 14" West and continuing along said Canal right of way 7,363.27 feet to the West line of Section 10, Township 44 South, Range 40 East; thence South 01° 16' 05" West, along said West line of said Section 10, a distance of 57.57 feet; thence North 25° 11' 01" West along the aforementioned Northerly right of way of Canal L-40, a distance of 12,185.26 feet to the West line of Hiatus Lot 4; thence North 01° 14' 08" East along the West line of Hiatus Lot 4, a distance of 113.66 feet to the Southwest corner of Section 33, Township 43 South, Range 40 East; thence North 01° 14' 08" East along the West line of said Section 33, a distance of 1,532.34 feet to the South right-of-way line of the West Palm Beach Canal; thence South 88° 23' 22" East along said Canal right of way 4,981.18 feet; thence South 01° 04' 07" West, 1,541 feet to the South line of Section 33, Township 43 South, Range 40 East; thence South 42° 09' 30" East, 643.43 feet to the Northeast corner of Section 4, Township 44 South, Range 40 East; thence South 01° 16' 05" West along the East line of said Section 4, a distance of 5,314.41 feet to the Southeast corner of said Section 4; thence North 89° 44' 30" East along the North line of Section 10, Township 44 South, Range 40 East, 4,875.18 feet; thence run North 01° 15' 49" East, 5,304.15 feet to a point on the South line of Hiatus Lot 3; thence North 01° 25' 51" East, 515.41 feet; thence North 87° 27' 20" West, 106.75 feet; thence North 00° 51' 10" East, 1,336.85 feet to the South right-of-way line of West Palm Beach Canal; thence South 88° 21' 18" East along the South right of way of said Canal 363.94 feet; thence continue along the South line of said Canal right of way South 88° 28' 22" East, 200.02 feet; thence South 00° 56' 00" West, 1,544.21 feet to the South line of Section 35, Township 43, South, Range 40 East; thence South 24° 36' 48" East, 325 feet to the North line of Section 2, Township 44 South, Range 40 East, said line also being the South line of Hiatus Lot 2; thence South 01° 15' 44" West, 5,302.88 feet to the South line of said Section 2; thence South 89° 44' 30" West along the South line of said Section 2, a distance of 200.07 feet to the Southwest corner of said Section 2; thence South 01° 15' 44" West, along the West line of Section 11, Township 44 South,

Range 40 East, 5,278.18 feet to the Southwest corner of said Section 11; thence North 89° 43' 57" East; along the North lines of Sections 14 and 13, Township 44 South, Range 40 East, 10,536.48 feet to the Northeast corner of said Section 13; thence South 01° 17' 26" West along the East line of said Section 13, a distance of 5,276.29 feet to the Southeast corner of said Section 13; thence South 01° 20' 00" West along the East line of Section 24, Township 44 South, Range 40 East, 5,279.90 feet to the Southeast corner of said Section 24 and the Point of Beginning. Containing 4,022 acres, more or less.

Which said boundary line embraces and includes those certain tracts or parcels of land situate in Palm Beach County, Florida, described as follows:

All of that part of the East Quarter of the Southeast Quarter of Section 34, Township 43 South, Range 40 East, lying South of the South right-of-way line of West Palm Beach Canal, the West boundary of which parcel being established by that certain Boundary Line Agreement dated November 1, 1956, recorded in Deed Book 1161, page 371, of the Public Records of Palm Beach County, Florida; all that part of the West 200 feet of Section 35, Township 43 South, Range 40 East, lying South of the South right-of-way line of West Palm Beach Canal; the West 200 feet of Hiatus Lot 2, between Townships 43 and 44 South, Range 40 East; all of that part of Hiatus Lot 3, between Townships 43 and 44 South, Range 40 East, which lies East of that certain lines established as a boundary line by Boundary Line Agreement dated November 1, 1956, recorded in Deed Book 1161, page 371, Public Records of Palm Beach County, Florida; all of that part of Hiatus Lot 4, between Townships 43 and 44 South, Range 40 East, lying Easterly of the East right-of-way line of Levee L-40, excepting therefrom the east triangular portion lying East of a line running from the Southeast corner to a point 293 feet West of the Northeast corner thereof; the West 200 feet of Section 2, the East 400 feet of Section 3, all that part of Sections 4, 9, 15, 16, 22, 23 and 24, lying North and East of the Northeasterly boundary of the right-of-way of Levee L-40, and all of Section 10, 13 and 14, all in Township 44 South, Range 40 East, in Palm Beach County, Florida.

All of Section 33 lying South of West Palm Beach Canal in Township 43 South, Range 40 East, less the East 293 feet.

Together with Parcels 2 and 3 described as follows:

Parcel 2:

All that part of the North one half (N 1/2) of the North one half (N 1/2) of Section 25, Township 44 South, Range 40 East, said Section being unsurveyed, lying North and East of the Northeasterly right-of-way line of Levee L-40 which Levee is one of the works of the plan of flood control for Central and Southern Florida extending through said Section 25, said Northeasterly right-of-way line being more particularly described as follows:

Beginning at a concrete monument designated as FCE-642 on the Northeasterly right-of-way line of Levee L-40 in Section 23, Township 44 South, Range 40 East, the coordinates of which are X-722,202.10 and Y-833,959.35; thence running South 56°55'11" East to the North line of said Section 25, Township 44 South, Range 40 East; thence continuing South 56°55'11" East to a concrete monument designated as FCE-641 in said Section 25; thence running South 57°08'22" East, to the East line of said Section 25.

LESS and EXCEPTING therefrom the following: A parcel of land lying in the Northeast one-quarter of Section 25, Township 44 South, Range 40 East, being the East 30 feet of those certain lands described as Parcel "A" in the instrument recorded in Official Records Book 15060, Page 293 of the Public Records of Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Northeast corner of said Section 25; thence South 01°17'01" West (Basis of Bearings) along the East line of said Section 25, 50.01 feet to the Point of Beginning; thence continue South 01°17' 01" West along said East line, 1271.88 feet to the South line of the North one-half of the North one-half of said Section 25; thence South 89°43'08" West along said South line of the North one-half of the North one-half of said Section 25, 30.01 feet to a line 30.00 feet West of as measured at

right angles and parallel with the East line of said Section 25; thence North 01°17'01" East along said parallel line 1271.88 feet to the South line of those certain lands as conveyed to Acme Drainage District in Official Records Book 206, Page 279 of the Public Records of Palm Beach County, Florida; thence North 89° 43' 08" East along said line 30.01 feet to the Point of Beginning. Said lands situate, lying and being in Palm Beach County, Florida.

Said lands situate in Palm Beach County, Florida and contain 49.149 ac. more or less.

Parcel 3:

All that portion of the South half of the North half of Section 25, Township 44 South, Range 40 East, Palm Beach County, Florida, and lying easterly of the Easterly Right-of-Way line of South Florida Water Management District's Levee L-40.

Also known as:

A portion of Section 25, Township 44 South, Range 40 East, described as follows: Beginning at the Southeast corner of those certain lands as conveyed in Official Records Book 15060, Page 293 of the Official Records of Palm Beach County, Florida: thence, South 01°17'01" West, (basis of bearings, a grid azimuth) along the East line of said Section 25, 398.46 feet more or less to an intersection with the Easterly Right-of-Way line of the Central and Southern Florida Flood Control District Canal L-40; thence, North 57°08'22" West along said Easterly Right-of-Way line, 729.21 feet, more or less, to the Southwest corner of those certain lands as conveyed in said Official Records Book 15060, Page 293; thence North 89°43'08" East, 621.49 feet, more or less, along the South line of the North half of the North half of said Section 25 to the Point of Beginning.

Said lands situate in Palm Beach County, Florida and contain 2.804 ac. more or less.



Exhibit F - 2009 Legislation

Committee Substitute for House Bill No. 1541

An act relating to the Pine Tree Water Control District, Palm Beach County; codifying the district's charter; providing legislative intent; amending, codifying, reenacting, and repealing chapters 80-572, 82-358, and 2005-295, Laws of Florida; providing for the applicability of chapters 298 and 189, Florida Statutes, and other general laws; providing for liberal construction; providing a savings clause in the event any of the act is deemed invalid; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. (1) The reenactment of existing law in this act shall not be construed as a grant of additional authority to nor to supersede the authority of any entity pursuant to law. Exceptions to law contained in any special act that are reenacted pursuant to this act shall continue to apply.

(2) The reenactment of existing law in this act shall not be construed to modify, amend, or alter any covenants, contracts, or other obligations of the district with respect to bonded indebtedness. Nothing pertaining to the reenactment of existing law in this act shall be construed to affect the ability of the district to levy and collect taxes, assessments, fees, or charges for the purpose of redeeming or servicing bonded indebtedness of the district.

Section 2. Chapters 80-572, 82-358, and 2005-295, Laws of Florida, are amended, codified, reenacted, and repealed as herein provided.

Section 3. The charter for the Pine Tree Water Control District, an independent special district, is re-created and reenacted to read:

Section 1. District created and boundaries thereof; validating creation of district under chapter 298, Florida Statutes.—That for the purpose of reclaiming and draining the lands hereinafter described and protecting such lands from the effects of water by means of the construction and maintenance of canals, ditches, levees, dikes, pumping plants, and other drainage works and improvements, and for the purpose of making the lands within the district available and habitable for settlement and agriculture, and for the public convenience, welfare, utility, and benefit, and for the other purposes stated in this act, an independent drainage district is hereby created and established in Palm Beach County, to be known as the Pine Tree Water Control District, the territorial boundaries of which shall be as follows, to wit:

Beginning at the Southeast corner of Section 24, Township 44 South, Range 40 East, run South 89° 43' 08" West, along the South line of said Section 24 a distance of 2,674.64 feet to the Northerly right of way of Canal L-40; thence North 56° 54' 19" West along said right of way of Canal L-40, a distance of 9,479.62 feet; thence North 42° 15' 14" West and continuing along said Canal right of way 7,363.27 feet to the West line of Section 10, Township 44 South, Range 40 East; thence South 01°

16' 05" West, along said West line of said Section 10, a distance of 57.57 feet; thence North 25° 11' 01" West along the aforementioned Northerly right of way of Canal L-40, a distance of 12,185.26 feet to the West line of Hiatus Lot 4; thence North 01° 14' 08" East along the West line of Hiatus Lot 4, a distance of 113.66 feet to the Southwest corner of Section 33, Township 43 South, Range 40 East; thence North 01° 14' 08" East along the West line of said Section 33, a distance of 1,532.34 feet to the South right-of-way line of the West Palm Beach Canal; thence South 88° 23' 22" East along said Canal right of way 4,981.18 feet; thence South 01° 04' 07" West, 1,541 feet to the South line of Section 33, Township 43 South, Range 40 East; thence South 42° 09' 30" East, 643.43 feet to the Northeast corner of Section 4, Township 44 South, Range 40 East; thence South 01° 16' 05" West along the East line of said Section 4, a distance of 5,314.41 feet to the Southeast corner of said Section 4; thence North 89° 44' 30" East along the North line of Section 10, Township 44 South, Range 40 East, 4,875.18 feet; thence run North 01° 15' 49" East, 5,304.15 feet to a point on the South line of Hiatus Lot 3; thence North 01° 25' 51" East, 515.41 feet; thence North 87° 27' 20" West, 106.75 feet; thence North 00° 51' 10" East, 1,336.85 feet to the South right-of-way line of West Palm Beach Canal; thence South 88° 21' 18" East along the South right of way of said Canal 363.94 feet; thence continue along the South line of said Canal right of way South 88° 28' 22" East, 200.02 feet; thence South 00° 56' 00" West, 1,544.21 feet to the South line of Section 35, Township 43, South, Range 40 East; thence South 24° 36' 48" East, 325 feet to the North line of Section 2, Township 44 South, Range 40 East, said line also being the South line of Hiatus Lot 2; thence South 01° 15' 44" West, 5,302.88 feet to the South line of said Section 2; thence South 89° 44' 30" West along the South line of said Section 2, a distance of 200.07 feet to the Southwest corner of said Section 2; thence South 01° 15' 44" West, along the West line of Section 11, Township 44 South, Range 40 East, 5,278.18 feet to the Southwest corner of said Section 11; thence North 89° 43' 57" East; along the North lines of Sections 14 and 13, Township 44 South, Range 40 East, 10,536.48 feet to the Northeast corner of said Section 13; thence South 01° 17' 26" West along the East line of said Section 13, a distance of 5,276.29 feet to the Southeast corner of said Section 13; thence South 01° 20' 00" West along the East line of Section 24, Township 44 South, Range 40 East, 5,279.90 feet to the Southeast corner of said Section 24 and the Point of Beginning.

Containing 4,022 acres, more or less.

which said boundary line embraces and includes those certain tracts or parcels of land situate in Palm Beach County, Florida, described as follows:

All of that part of the East Quarter of the Southeast Quarter of Section 34, Township 43 South, Range 40 East, lying South of the South right-of-way line of West Palm Beach Canal, the West boundary of which parcel being established by that certain Boundary Line Agreement dated November 1, 1956, recorded in Deed Book 1161, page 371, of the Public Records of Palm Beach County, Florida; all that part of the West 200 feet of Section 35, Township 43 South, Range 40 East, lying South of the

South right-of-way line of West Palm Beach Canal; the West 200 feet of Hiatus Lot 2, between Townships 43 and 44 South, Range 40 East; all of that part of Hiatus Lot 3, between Townships 43 and 44 South, Range 40 East, which lies East of that certain lines established as a boundary line by Boundary Line Agreement dated November 1, 1956, recorded in Deed Book 1161, page 371, Public Records of Palm Beach County, Florida; all of that part of Hiatus Lot 4, between Townships 43 and 44 South, Range 40 East, lying Easterly of the East right-of-way line of Levee L-40, excepting therefrom the east triangular portion lying East of a line running from the Southeast corner to a point 293 feet West of the Northeast corner thereof; the West 200 feet of Section 2, the East 400 feet of Section 3, all that part of Sections 4, 9, 15, 16, 22, 23 and 24, lying North and East of the Northeasterly boundary of the right-of-way of Levee L-40, and all of Section 10, 13 and 14, all in Township 44 South, Range 40 East, in Palm Beach County, Florida.

All of Section 33 lying South of West Palm Beach Canal in Township 43 South, Range 40 East, less the East 293 feet.

Section 2. Provisions of other laws made applicable.—The Pine Tree Water Control District, created in 1971, shall continue to be a public corporation of this state. The provisions of the Drainage and Water Control Laws of Florida applicable to water control districts which are embodied in chapter 298, Florida Statutes, so far as not inconsistent with this act, are declared to be applicable to the Pine Tree Water Control District. The Pine Tree Water Control District shall have all of the powers and authorities mentioned in or conferred by chapters 298 and 189, Florida Statutes, and all other applicable general laws, except as herein otherwise provided.

Section 3. Additional powers of the district.—The Pine Tree Water Control District, a water management district, in Palm Beach County, created under chapter 298, Florida Statutes, being an act relating to the creation and organization of water management districts, shall have in addition to the powers provided for in chapter 298, Florida Statutes, the power to construct, improve, pave, and maintain roadways and roads necessary and convenient for the exercise of the powers or duties or any of the powers or duties of the district; and in furtherance of the purposes and intent of chapter 298, Florida Statutes, to construct, improve, pave, and maintain streets, roadways, and roads necessary and convenient to provide access to and efficient development of areas made suitable and available for cultivation, agricultural, settlement, and other beneficial use and development as a result of the drainage, irrigation, and reclamation operations of the district.

Section 4. Board of supervisors.—The Board of Supervisors of the Pine Tree Water Control District in Palm Beach County shall be qualified and elected in accordance with the provisions of chapter 298, Florida Statutes; provided, however, that at least one of the members of the board of supervisors shall be a legal resident of Rustic Ranches in addition to the other qualifications provided for in chapter 298, Florida Statutes.

Section 5. Amendment of master plan.—The Pine Tree Water Control District may amend its master water management plan in the manner

provided by chapter 298, Florida Statutes, and consistent with other applicable provisions of law.

Section 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 5. This act shall be construed as a remedial act and shall be liberally construed to promote the purpose for which it is intended.

Section 6. Chapters 80-572, 82-358, and 2005-295, Laws of Florida, are repealed.

Section 7. To the extent not inconsistent with general law, all agreements, obligations, resolutions, and policies of the Pine Tree Water Control District now in effect shall remain in effect until amended, revised, or repealed by the board of supervisors.

Section 8. This act shall take effect upon becoming a law.

Approved by the Governor June 1, 2009.

Filed in Office Secretary of State June 1, 2009.



Exhibit G - Pine Tree Water Control District Map



Exhibit H - 2014 Permit



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

District Headquarters: 3301 Gun Club Road, West Palm Beach, Florida 33406 (561) 686-8800 www.sfwmd.gov

Regulation
Application No.: 140130-2

March 7, 2014

PINE TREE WATER CONTROL DISTRICT
C/O VILLAGE OF WELLINGTON
14000 GREENBRIAR BOULEVARD
WELLINGTON, FL 33414

Dear Permittee:

SUBJECT: 50-00458-S

Project : PINE TREE WATER CONTROL DISTRICT

Location: Palm Beach County, S3,4,9,10,13-15,23,24/T44S/R40E

District staff has reviewed the information submitted January 30, 2014, for the incorporation of Pine Tree Water Control District's water management criteria into the permit file pursuant to the attached exhibit.

Based on that information, District staff has determined that the proposed activities are in compliance with the original environmental resource permit and appropriate provisions of paragraph 40E-4.331(2)(b) or 62-330.315(2)(g), Florida Administrative Code. Therefore, these changes have been recorded in our files.

Your permit remains subject to the General Conditions and all other Special Conditions not modified and as originally issued.

Should you have any questions concerning this matter, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Carlos A. de Rojas".

Carlos A. de Rojas, P.E.
Section Leader - Swm
Regulation Division

CD/re

c: Higgins Engineering Inc
Palm Beach County Engineer
Wellington

NOTICE OF RIGHTS

As required by Sections 120.569(1), and 120.60(3), Fla. Stat., following is notice of the opportunities which may be available for administrative hearing or judicial review when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Not all the legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

RIGHT TO REQUEST ADMINISTRATIVE HEARING

A person whose substantial interests are or may be affected by the South Florida Water Management District's (SFWMD or District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Fla. Stat. Persons seeking a hearing on a District decision which does or may determine their substantial interests shall file a petition for hearing with the District Clerk within 21 days of receipt of written notice of the decision, unless one of the following shorter time periods apply: 1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Fla. Stat.; or 2) within 14 days of service of an Administrative Order pursuant to Subsection 373.119(1), Fla. Stat. "Receipt of written notice of agency decision" means receipt of either written notice through mail, or electronic mail, or posting that the District has or intends to take final agency action, or publication of notice that the District has or intends to take final agency action. Any person who receives written notice of a SFWMD decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

Filing Instructions

The Petition must be filed with the Office of the District Clerk of the SFWMD. Filings with the District Clerk may be made by mail, hand-delivery or facsimile. **Filings by e-mail will not be accepted.** Any person wishing to receive a clerked copy with the date and time stamped must provide an additional copy. A petition for administrative hearing is deemed filed upon receipt during normal business hours by the District Clerk at SFWMD headquarters in West Palm Beach, Florida. Any document received by the office of the SFWMD Clerk after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day. Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the SFWMD Clerk, P.O. Box 24680, West Palm Beach, Florida 33416.
- Filings by hand-delivery must be delivered to the Office of the SFWMD Clerk. **Delivery of a petition to the SFWMD's security desk does not constitute filing. To ensure proper filing, it will be necessary to request the SFWMD's security officer to contact the Clerk's office.** An employee of the SFWMD's Clerk's office will receive and file the petition.
- Filings by facsimile must be transmitted to the SFWMD Clerk's Office at (561) 682-6010. Pursuant to Subsections 28-106.104(7), (8) and (9), Fla. Admin. Code, a party who files a document by facsimile represents that the original physically signed document will be retained by that party for the duration of that proceeding and of any subsequent appeal or subsequent proceeding in that cause. Any party who elects to file any document by facsimile shall be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the clerk as a result. The filing date for a document filed by facsimile shall be the date the SFWMD Clerk receives the complete document.

Initiation of an Administrative Hearing

Pursuant to Rules 28-106.201 and 28-106.301, Fla. Admin. Code, initiation of an administrative hearing shall be made by written petition to the SFWMD in legible form and on 8 and 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, District file number or any other SFWMD identification number, if known.
2. The name, address and telephone number of the petitioner and petitioner's representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the SFWMD's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the SFWMD's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the SFWMD's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the SFWMD to take with respect to the SFWMD's proposed action.

A person may file a request for an extension of time for filing a petition. The SFWMD may, for good cause, grant the request. Requests for extension of time must be filed with the SFWMD prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and that the SFWMD and any other parties agree to or oppose the extension. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

If the District takes action with substantially different impacts on water resources from the notice of intended agency decision, the persons who may be substantially affected shall have an additional point of entry pursuant to Rule 28-106.111, Fla. Admin. Code, unless otherwise provided by law.

Mediation

The procedures for pursuing mediation are set forth in Section 120.573, Fla. Stat., and Rules 28-106.111 and 28-106.401-.405, Fla. Admin. Code. The SFWMD is not proposing mediation for this agency action under Section 120.573, Fla. Stat., at this time.

RIGHT TO SEEK JUDICIAL REVIEW

Pursuant to Sections 120.60(3) and 120.68, Fla. Stat., a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the SFWMD Clerk within 30 days of rendering of the final SFWMD action.



HIGGINS ENGINEERING, INC.

140 130 - 2

January 3, 2014

South Florida Water Management District
3301 Gun Club Road
P.O. Box 24680
West Palm Beach, FL 33416-4680

RECEIVED

JAN 30 2014

WATER RESOURCE REGULATION

Attn Anita Bain

Re: Pine Tree Water Control District
Environmental Resource Permit No. 50-00458-S

Dear Mrs. Bain:

Enclosed, please find water management criteria for Pine Tree Water Control District that was recently adopted by the Board of Supervisors. Please consider this letter a request to modify the permit, by letter modification, to incorporate this criteria in the permit file. Ultimately this criteria will be incorporated into the Villages BMP manual as an appendix. We have also enclosed an application fee in the amount of \$250.00 made payable to the District.

If you have any questions on the above or the enclosed please feel free to give us a call.

Very truly yours,
Higgins Engineering, Inc.


Robert W. Higgins, P.E.

RWH:kd
09-20.2
Encl.
Cc Tanya Quickel w/
Bill Nemsel w/

4623 Forest Hill Blvd., Suite 113
(561) 439-7807

West Palm Beach, FL 33415
FAX (561) 439-0026

APPLICATION NO. 140130-2

Page 1 of 3

Water Resources - Environmental

EXHIBIT 1

EXHIBIT 1

Design Criteria for Stormwater Management for Areas Located within the Pine Tree Water Control District

140130-2

Permit Requirements:

Property owners are responsible for acquiring all permits necessary for the development and redevelopment of their property. Various agencies may include, but are not limited to, the Pine Tree Water Control District (PTWCD), Village of Wellington (VOW), South Florida Water Management District (SFWMD), U.S. Army Corps of Engineers (USACE).

Permits for the use of facilities dedicated to the PTWCD are issued by the PTWCD.

The PTWCD is located within the VOW. Permits for lot development and buildings/structures are issued by the VOW. Lot development shall comply the criteria contained herein and with all pertinent VOW regulations and requirements. If the total fill area (historic and proposed) is greater than 20 percent of the lot area then a VOW Engineering Land Development Permit is required. If the total fill is equal to or less than 20%, a VOW Engineering Grading/Fill/Excavation Permit is required. VOW Right-of-Way Permits are required for all improvements within rights-of-way and easements dedicated to the VOW.

Based on a two foot storage depth, 12 percent of the site shall be used for flood detention storage. This percentage requirement may be varied as it is dependent on depth of storage.

Criteria:

Maximum Building Area Coverage (Per Lot)	20%
Maximum Impervious Area (Including Buildings) (e.g.- paved/shellrock drives & parking areas, paved/shellrock walkways, etc.)	30%
Normal Water Level	12.0' (Ft NGVD)
Water Quality Detention Stage	14.9' (Ft NGVD) (in canal system)
Minimum Road Elevation	15.3' (Ft NGVD)
Minimum Finish Floor Elevation	18.0' (Ft NGVD)
Lot Grading (Ref. SFWMD Permit):	Linear from 15.5' to 19.0' NGVD
Roadside Swales (Ref. SFWMD Permit):	Linear from 13.5' to 15.5' NGVD

RECEIVED

JAN 30 2014

WATER RESOURCE REGULATION

Site Grading and Water Management Area Requirements

Required Lake Area at Elevation 12.0'

Building Coverage 10% or Less

2' Storage Depth; Minimum 12% of Lot Area or 0.5 Acres (SFWMD Minimum Lake Area Criteria), whichever is greater

Building Coverage >10% & ≤20%

Prorated from 12 percent of lot at 10 percent coverage to 16 percent of lot area at 20 percent lot coverage (i.e., 0.8 acres for 5 acre lot with 1 acre building pad)

OR

Required Dry Detention Area at Elevation 13.0'

Building Coverage 10% or Less

12 percent of Lot Area (i.e. 0.6 acres For 5 Acre Lot with 2' storage depth)

Building Coverage >10% & ≤20%

Prorated from 12 percent of lot at 10 percent coverage to 16 percent of lot area at 20 percent lot coverage

Note that the above water storage area requirements are based on an assumed storage depth of 2 feet and that the area requirement can be varied based on actual storage depth.

Note that both Dry Detention and Lake Areas shall be subject to a restrictive covenant limiting their alteration without the prior consent of the Pine Tree Water Control District along with an access easement running in favor of the Pine Tree Water Control District for purposes of monitoring and inspecting the onsite drainage and water management storage.

Maximum side slope for Dry Detention areas: 4:1 (horizontal: vertical).

Maximum side slope for lakes: 4:1 (horizontal: vertical) from top of bank down to two feet below control elevation.

If the above criteria is not satisfied, then the applicant has the option to provide calculations demonstrating that the storage provided is consistent with the SFWMD storage assumptions by showing the 0.8 (acre feet/acre) is provided at elevation 18.0'.



Exhibit I - 2010 Permit



FORM #0157
REV. 07/09

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE
PERMIT MODIFICATION NO. 50-00458-S**

DATE ISSUED: JANUARY 4, 2010

PERMITTEE: PINE TREE WATER CONTROL DISTRICT
(PINE TREE WATER CONTROL DISTRICT- RUSTIC RANCHES)
14000 GREENBRIAR BOULEVARD,
WELLINGTON, FL 33414

ORIGINAL PERMIT ISSUED: JULY 15, 1977

ORIGINAL PROJECT DESCRIPTION: CONSTRUCTION AND OPERATION OF A WATER MANAGEMENT SYSTEM SERVING 2222 ACRES OF AGRICULTURAL LANDS BY INTERNAL DITCHES AND 1-50,000 GPM PUMP DISCHARGING INTO C-51.

APPROVED MODIFICATION: MODIFICATION OF PERMIT NO. 50-00458-S TO REFLECT THE CORRECT ACREAGE FOR THE OVERALL PINE TREE WATER CONTROL DISTRICT AND AUTHORIZATION FOR OPERATING THE EXISTING FACILITIES ASSOCIATED WITH THE RUSTIC RANCHES DEVELOPMENT.

PROJECT LOCATION: PALM BEACH COUNTY, SECTION 3,4,9,10,13-15,23,24 TWP 44S RGE 40E

This is to notify you of the District's agency action concerning Permit Application No. 090610-9, dated May 19, 2009. This action is taken pursuant to the provisions of Chapter 373, Part IV, Florida Statutes (F.S.), and the Operation Agreement Concerning Regulation Under Part IV, Chapter 373 F.S., between South Florida Water Management District and the Department of Environmental Protection.

Based on the information provided, District rules have been adhered to and an Environmental Resource Permit Modification is in effect for this project subject to:

1. Not receiving a filed request for an administrative hearing pursuant to Section 120.5 and Section 120.569, or request a judicial review pursuant Section 120.68, Florida Statutes.
2. The attached 19 General Conditions.
3. The attached 12 Special Conditions.
4. The attached 4 Exhibits.

Should you object to these conditions, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. Should you wish to object to the proposed agency action or file a petition, please provide written objections, petitions and/or waivers to:

Elizabeth Veguilla, Deputy Clerk, MSC4240
South Florida Water Management District
Post Office Box 24680
West Palm Beach, FL 33416-4680

Please contact this office if you have any questions concerning this matter. If we do not hear from you in accordance with the "Notice of Rights", we will assume that you concur with the District's action.

CERTIFICATION OF SERVICE

I HEREBY CERTIFY that the Staff Report, Conditions and Notice of Rights have been mailed to the Permittee (and the persons listed on the attached staff report distribution list) no later than 5:00 p.m. on this 5th day of January, 2010, in accordance with Section 120.60(3), Florida Statutes, and a copy has been filed and acknowledged with the Deputy District Clerk.

ORIGINAL SIGNED BY

By JACKI MCGORTY
DEPUTY CLERK
SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Attachments

CERTIFIED MAIL# 70032260000719139244

SPECIAL CONDITIONS

1. Discharge Facilities: Through previously permitted facilities.
2. Operation of the surface water management system shall be the responsibility of PINE TREE WATER CONTROL DISTRICT.
3. The permittee shall be responsible for the correction of any erosion, shoaling or water quality problems that result from the construction or operation of the surface water management system.
4. Measures shall be taken during construction to insure that sedimentation and/or turbidity violations do not occur in the receiving water.
5. The District reserves the right to require that additional water quality treatment methods be incorporated into the drainage system if such measures are shown to be necessary.
6. Facilities other than those stated herein shall not be constructed without an approved modification of this permit.
7. A stable, permanent and accessible elevation reference shall be established on or within one hundred (100) feet of all permitted discharge structures no later than the submission of the certification report. The location of the elevation reference must be noted on or with the certification report.
8. The permittee shall provide routine maintenance of all of the components of the surface water management system in order to remove all trapped sediments/debris. All materials shall be properly disposed of as required by law. Failure to properly maintain the system may result in adverse flooding conditions.
9. This permit is issued based on the applicant's submitted information which reasonably demonstrates that adverse water resource related impacts will not be caused by the completed permit activity. Should any adverse impacts caused by the completed surface water management system occur, the District will require the permittee to provide appropriate mitigation to the District or other impacted party. The District will require the permittee to modify the surface water management system, if necessary, to eliminate the cause of the adverse impacts.
10. The permittee acknowledges, that pursuant to Rule 40E-4.101(2), F.A.C., a notice of Environmental Resource or Surface Water Management Permit may be recorded in the county public records. Pursuant to the specific language of the rule, this notice shall not be considered an encumbrance upon the property.
11. If prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, the permitted project should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The permittee, or other designee, should contact the Florida Department of State, Division of Historical Resources, Review and Compliance Section at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Project activities should not resume without verbal and/or written authorization from the Division of Historical Resources. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, Florida Statutes.
12. Monitoring requirements shall be in accordance with EXHIBIT 4.

GENERAL CONDITIONS

1. All activities authorized by this permit shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit and Part IV, Chapter 373, F.S.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner which does not cause violations of State water quality standards. The permittee shall implement best management practices for erosion and pollution control to prevent violation of State water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. All practices shall be in accordance with the guidelines and specifications described in Chapter 6 of the Florida Land Development Manual; A Guide to Sound Land and Water Management (Department of Environmental Regulation, 1988), incorporated by reference in Rule 40E-4.091, F.A.C. unless a project-specific erosion and sediment control plan is approved as part of the permit. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
4. The permittee shall notify the District of the anticipated construction start date within 30 days of the date that this permit is issued. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District an Environmental Resource Permit Construction Commencement Notice Form Number 0960 indicating the actual start date and the expected construction completion date.
5. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing an annual status report form. Status report forms shall be submitted the following June of each year.
6. Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a professional engineer or other individual authorized by law, utilizing the supplied Environmental Resource/Surface Water Management Permit Construction Completion/Certification Form Number 0881A, or Environmental Resource/Surface Water Management Permit Construction Completion Certification - For Projects Permitted prior to October 3, 1995 Form No. 0881B, incorporated by reference in Rule 40E-1.659, F.A.C. The statement of completion and certification shall be based on onsite observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the District that the system is ready for inspection. Additionally, if deviation from the approved drawings are discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawings. All surveyed dimensions and elevations shall be certified by a registered surveyor.
7. The operation phase of this permit shall not become effective: until the permittee has complied with the requirements of condition (6) above, and submitted a request for conversion of Environmental Resource Permit from Construction Phase to Operation Phase, Form No. 0920; the District determines the system to be in compliance with the permitted plans and specifications; and the entity approved by the District in accordance with Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, accepts responsibility for operation and maintenance of the system. The permit shall not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall initiate transfer of the permit to the approved

responsible operating entity if different from the permittee. Until the permit is transferred pursuant to Section 40E-1.6107, F.A.C., the permittee shall be liable for compliance with the terms of the permit.

8. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of the phase or portion of the system to a local government or other responsible entity.
9. For those systems that will be operated or maintained by an entity that will require an easement or deed restriction in order to enable that entity to operate or maintain the system in conformance with this permit, such easement or deed restriction must be recorded in the public records and submitted to the District along with any other final operation and maintenance documents required by Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit applications within the South Florida Water Management District, prior to lot or units sales or prior to the completion of the system, whichever comes first. Other documents concerning the establishment and authority of the operating entity must be filed with the Secretary of State, county or municipal entities. Final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local government entity. Failure to submit the appropriate final documents will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system and any other permit conditions.
10. Should any other regulatory agency require changes to the permitted system, the permittee shall notify the District in writing of the changes prior to implementation so that a determination can be made whether a permit modification is required.
11. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40E-4 or Chapter 40E-40, F.A.C..
12. The permittee is hereby advised that Section 253.77, F.S. states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the State, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
13. The permittee must obtain a Water Use permit prior to construction dewatering, unless the work qualifies for a general permit pursuant to Subsection 40E-20.302(3), F.A.C., also known as the "No Notice" Rule.
14. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any system authorized by the permit.
15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding, unless a specific condition of this permit or a formal determination under Section 373.421(2), F.S., provides otherwise.
16. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of a permitted system or the real property on which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rules 40E-1.6105 and 40E-1.6107, F.A.C.. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations prior to the sale, conveyance or other transfer of the system.
17. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.

18. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the appropriate District service center.
19. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

ENVIRONMENTAL RESOURCE PERMITS CHAPTER 40E-4

40E-4.321 Duration of Permits

(1) Unless revoked or otherwise modified the duration of an environmental resource permit issued under this chapter or Chapter 40E-40, F.A.C., is as follows:

(a) For a conceptual approval, two years from the date of issuance or the date Environmental Resource Permits - Chapter 40E-4 Effect: November 11, 200926 – (40E-4) specified as a condition of the permit, unless within that period an application for an individual or standard general permit is filed for any portion of the project. If an application for an environmental resource permit is filed, then the conceptual approval remains valid until final action is taken on the environmental resource permit application. If the application is granted, then the conceptual approval is valid for an additional two years from the date of issuance of the permit. Conceptual approvals which have no individual or standard general environmental resource permit applications filed for a period of two years shall expire automatically at the end of the two year period.

(b) For a conceptual approval filed concurrently with a development of regional impact (DRI) application for development approval (ADA) and a local government comprehensive plan amendment, the duration of the conceptual approval shall be two years from whichever one of the following occurs at the latest date:

1. The effective date of the local government's comprehensive plan amendment,
2. The effective date of the local government development order,
3. The date on which the District issues the conceptual approval, or
4. The date on which the District issues a final order pertaining to the resolution of any Section 120.57, F.S., administrative proceeding or other legal appeals.

(c) For an individual or standard general environmental resource permit, the construction phase authorizing construction, removal, alteration or abandonment of a system shall expire five years from the date of issuance or such amount of time as made a condition of the permit.

(d) For an individual or standard general environmental resource permit, the operational phase of the permit is perpetual for operation and maintenance.

(e) For a noticed general permit issued pursuant to Chapter 40E-400, F.A.C., five years from the date the notice of intent to use the permit is provided to the District.

(2)(a) Unless prescribed by special permit condition, permits expire automatically according to the timeframes indicated in this rule. If application for extension is made by electronic mail at the District's ePermitting website or in writing pursuant to subsection

(3), the permit shall remain in full force and effect until:

1. The Governing Board takes action on an application for extension of an individual permit, or
2. Staff takes action on an application for extension of a standard general permit.

(b) Installation of the project outfall structure shall not constitute a vesting of the permit.

(3) The permit extension shall be issued provided that a permittee files a written request with the District showing good cause prior to the expiration of the permit. For the purpose of this rule, good cause shall mean a set of extenuating circumstances outside of the control of the permittee. Requests for extensions, which shall include documentation of the extenuating circumstances and how they have delayed this project, will not be accepted more than 180 days prior to the expiration date.

(4) Substantial modifications to Conceptual Approvals will extend the duration of the Conceptual Approval for two years from the date of issuance of the modification. For the purposes of this section, the term "substantial modification" shall mean a modification which is reasonably expected to lead to substantially different water resource or environmental impacts which require a detailed review.

(5) Substantial modifications to individual or standard general environmental Environmental Resource Permits - Chapter 40E-4 Effect: November 11, 2009 27 – (40E-4) resource permits issued pursuant to a permit application extend the duration of the permit for three years from the date of issuance of the modification. Individual or standard general environmental resource permit modifications do not extend the duration of a conceptual approval.

(6) Permit modifications issued pursuant to paragraph 40E-4.331(2)(b), F.A.C. (letter modifications) do not extend the duration of the permit.

(7) Failure to complete construction or alteration of the surface water management system and obtain operation phase approval from the District within the permit duration shall require a new permit authorization in order to continue construction unless a permit extension is granted.

Specific Authority 373.044, 373.113, 668.003, 668.004, 668.50 FS. Law Implemented 373.413, 373.416, 373.419, 373.426, 668.003, 668.004, 668.50 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.07(4), Amended 7-1-86, 4-20-94, 10-3-95, 5-28-00, 10-1-06.

NOTICE OF RIGHTS

As required by Sections 120.569(1), and 120.60(3), Fla. Stat., following is notice of the opportunities which may be available for administrative hearing or judicial review when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Not all the legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

RIGHT TO REQUEST ADMINISTRATIVE HEARING

A person whose substantial interests are or may be affected by the South Florida Water Management District's (SFWMD or District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Fla. Stat. Persons seeking a hearing on a District decision which does or may determine their substantial interests shall file a petition for hearing with the District Clerk within 21 days of receipt of written notice of the decision, unless one of the following shorter time periods apply: 1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Fla. Stat.; or 2) within 14 days of service of an Administrative Order pursuant to Subsection 373.119(1), Fla. Stat. "Receipt of written notice of agency decision" means receipt of either written notice through mail, or electronic mail, or posting that the District has or intends to take final agency action, or publication of notice that the District has or intends to take final agency action. Any person who receives written notice of a SFWMD decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

Filing Instructions

The Petition must be filed with the Office of the District Clerk of the SFWMD. Filings with the District Clerk may be made by mail, hand-delivery or facsimile. **Filings by e-mail will not be accepted.** Any person wishing to receive a clerked copy with the date and time stamped must provide an additional copy. A petition for administrative hearing is deemed filed upon receipt during normal business hours by the District Clerk at SFWMD headquarters in West Palm Beach, Florida. Any document received by the office of the SFWMD Clerk after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day. Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the SFWMD Clerk, P.O. Box 24680, West Palm Beach, Florida 33416.
- Filings by hand-delivery must be delivered to the Office of the SFWMD Clerk. **Delivery of a petition to the SFWMD's security desk does not constitute filing. To ensure proper filing, it will be necessary to request the SFWMD's security officer to contact the Clerk's office.** An employee of the SFWMD's Clerk's office will receive and file the petition.
- Filings by facsimile must be transmitted to the SFWMD Clerk's Office at (561) 682-6010. Pursuant to Subsections 28-106.104(7), (8) and (9), Fla. Admin. Code, a party who files a document by facsimile represents that the original physically signed document will be retained by that party for the duration of that proceeding and of any subsequent appeal or subsequent proceeding in that cause. Any party who elects to file any document by facsimile shall be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the clerk as a result. The filing date for a document filed by facsimile shall be the date the SFWMD Clerk receives the complete document.

Initiation of an Administrative Hearing

Pursuant to Rules 28-106.201 and 28-106.301, Fla. Admin. Code, initiation of an administrative hearing shall be made by written petition to the SFWMD in legible form and on 8 and 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, District file number or any other SFWMD identification number, if known.
2. The name, address and telephone number of the petitioner and petitioner's representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the SFWMD's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the SFWMD's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the SFWMD's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the SFWMD to take with respect to the SFWMD's proposed action.

A person may file a request for an extension of time for filing a petition. The SFWMD may, for good cause, grant the request. Requests for extension of time must be filed with the SFWMD prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and that the SFWMD and any other parties agree to or oppose the extension. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

If the District takes action with substantially different impacts on water resources from the notice of intended agency decision, the persons who may be substantially affected shall have an additional point of entry pursuant to Rule 28-106.111, Fla. Admin. Code, unless otherwise provided by law.

Mediation

The procedures for pursuing mediation are set forth in Section 120.573, Fla. Stat., and Rules 28-106.111 and 28-106.401-.405, Fla. Admin. Code. The SFWMD is not proposing mediation for this agency action under Section 120.573, Fla. Stat., at this time.

RIGHT TO SEEK JUDICIAL REVIEW

Pursuant to Sections 120.60(3) and 120.68, Fla. Stat., a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the SFWMD Clerk within 30 days of rendering of the final SFWMD action.

Last Date For Agency Action: January 12, 2010

INDIVIDUAL ENVIRONMENTAL RESOURCE PERMIT STAFF REPORT

Project Name: Pine Tree Water Control District- Rustic Ranches

Permit No.: 50-00458-S

Application No.: 090610-9

Application Type: Environmental Resource (Operation Modification)

Location: Palm Beach County, S3,4,9,10,13-15,23,24/T44S/R40E

Permittee : Pine Tree Water Control District

Operating Entity : Pine Tree Water Control District

Project Area: 825.00 acres

Project Land Use: Residential

Drainage Basin: C-51 WEST

Receiving Body: STA 1 East

Special Drainage District: Pine Tree Water Control District

Conservation Easement To District : No

Sovereign Submerged Lands: No

**FINAL APPROVED BY
EXECUTIVE DIRECTOR
JANUARY 4, 2010**

Class: N/A

PROJECT PURPOSE:

This application is a request to modify Permit No. 50-00458-S to reflect the acreage served by the Pine Tree Water Control District as a result of the construction of the STA-I East and Section 24 projects, and to request operation authorization for the existing facilities associated with the Rustic Ranches development. Staff recommends approval with conditions.

PROJECT EVALUATION:**PROJECT SITE DESCRIPTION:**

The Pine Tree Water Control District (PTWCD) is located west of Flying Cow Road and south of Southern Boulevard in Palm Beach County, (Please refer to Exhibit 1). The Pine Tree Water Control District contains approximately six sections of land which was originally issued Permit No. 50-00458-S for an agricultural project known as Diamond C Ranch. In addition to agricultural and some undeveloped lands, the PTWCD also contains approximately 825 acres of existing low density residential development for an area known as Rustic Ranches. Since issuance of the original permit, a large portion of the previous agricultural lands was acquired by the District for the construction of STA-1 East. This application is a request to revise the permit to reflect the land use changes as a result of the construction of STA-1 East and the Section 24 Impoundment.

PROPOSED PROJECT:

The applicant proposes to modify the permit to define the current land use and system operation of the Pine Tree Water Control District. Most of the changes are a result of the construction and operation of Stormwater Treatment Area 1 East and the Section 24 Impoundment project.

The existing surface water management system serving the Rustic Ranches development consists of swales and canals which route runoff to an existing control structure located on the western end of the site. This control structure discharges into the seepage canal constructed as part of the Stormwater Treatment Area 1 East. The structure consists of a flashboard riser which in the submitted calculations was set at an elevation of 12.0' NGVD. Per the Interim Operating Plan for the STA 1 East, the S-361 pump station is operated to control elevations in the seepage collection canal and to maintain flood protection for the upstream basin. The pumps are operated to maintain the seepage collection canal between elevations 10' and 12' NGVD, as measured at the headwater of the S-361 pump station. The operation plan indicates that the Village of Wellington can determine what the stage should be in the seepage canal, within the general range of 10' to 12' NGVD, and communicates directly with the District's operations control room. It is anticipated that the seepage canal will be maintained as high as possible during dry conditions and will be lowered during extended periods of wet conditions or during storm events. If in the future, the Operation Plan for the STA 1E is revised reflecting changes to the operation of the S-361 and seepage canal, then a modification of this permit may be required.

LAND USE:

In the following table, the Total Project acreage is the overall acreage for the Pine Tree Water Control District. This Phase acreage is the acreage of existing development within the Rustic Ranches development. The Other acreage under Total Project acreage is for other existing, primarily agricultural lands, located within the Pine Tree Water Control District. No new development is proposed as part of this application. The Section 24 Impoundment area (397 acres) discharges eastward into AID C-1 Canal, not into the PTWCD system and is therefore not included in the land use table.

Construction:**Project:**

	This Phase	Total Project	
Building Coverage	11.00		acres
Ditch	10.70		acres
Other		185.00	acres
Pervious	580.70		acres

	This Phase	Total Project	
Roadway	15.10		acres
Rustic Ranches		640.00	acres
Swales	22.50		acres
Total:	640.00	825.00	

WATER QUANTITY :

Discharge Rate :

As no development is proposed as part of this application, no increase in discharge into the seepage canal is anticipated.

WATER QUALITY :

The applicant has indicated that the Rustic Ranches area is now within the incorporated limits of the Village of Wellington. As such, the Rustic Ranches development is subject to the Village's ordinances regarding Best Management Practices (BMPs). These ordinances require proper use and storage of low Phosphorus fertilizer and proper storage and disposal of livestock waste. Livestock waste is to be stored in impervious containers that are shielded from rainfall. The waste is then removed by a licensed hauler to a suitable off-site location. This plan will include education information for the residents along with regular monitoring of stormwater inlets and culverts with cleaning as needed.

A water quality sampling program will also be implemented for the Rustic Ranches area to investigate potential sources of water quality concerns within the basin. It is anticipated that this plan will provide appropriate and defensible data to formulate remedial actions necessary to assure the basin is in compliance with state water quality standards. There is not a sampling location near this project's discharge point, which would capture the character of the water quality discharge from the site. Therefore, water quality monitoring of the discharge from the site into the seepage canal is required to provide data needed to characterize the quality of water being discharged and to document the efficiency of the BMPs (see Exhibit 4 and Special Condition No. 12).

RELATED CONCERNS:

Water Use Permit Status:

There are no construction activities associated with this application and therefore no irrigation or dewatering activities are proposed.

This permit does not release the permittee from obtaining all necessary Water Use authorization(s) prior to the commencement of activities which will require such authorization, including construction dewatering and irrigation, unless the work qualifies for a No-Notice Short-Term Dewatering permit pursuant to Chapter 40E-20.302(3) or is exempt pursuant to Section 40E-2.051, FAC.

CERP:

The proposed project is located adjacent to the STA 1 East project.

Right-Of-Way Permit Status:

A District Right-of-Way Permit is not required for this project.

DRI Status:

This project is not a DRI.

Historical/Archeological Resources:

The District has received correspondence from the Florida Department of State, Division of Historical Resources indicating that the agency has no objections to the issuance of this permit.

DCA/CZM Consistency Review:

The District has not received a finding of inconsistency from the Florida Department of Environmental Protection or other commenting agencies regarding the provisions of the federal Coastal Zone Management Plan.

Third Party Interest:

No third party has contacted the District with concerns about this application.

Enforcement:

There has been no enforcement activity associated with this application.

STAFF RECOMMENDATION TO EXECUTIVE DIRECTOR:

The Staff recommends that the following be issued :

Modification of Permit No. 50-00458-S to reflect the correct acreage for the overall Pine Tree Water Control District and authorization for operating the existing facilities associated with the Rustic Ranches development.

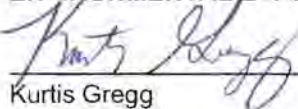
Based on the information provided, District rules have been adhered to.

Staff recommendation is for approval subject to the attached
General and Special Conditions.

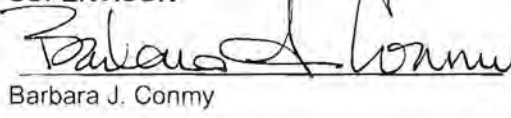
STAFF REVIEW:

NATURAL RESOURCE MANAGEMENT APPROVAL

ENVIRONMENTAL EVALUATION

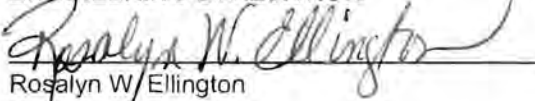

Kurtis Gregg

SUPERVISOR

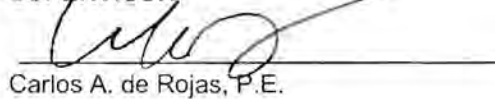

Barbara J. Conmy

SURFACE WATER MANAGEMENT APPROVAL

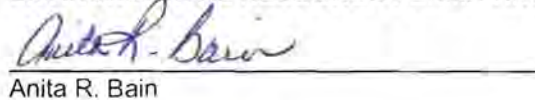
ENGINEERING EVALUATION


Rosalyn W. Ellington

SUPERVISOR

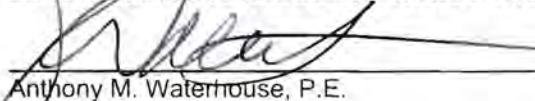

Carlos A. de Rojas, P.E.

ENVIRONMENTAL RESOURCE PERMITTING DIVISION DIRECTOR :


Anita R. Bain

DATE: 12/17/09

ENVIRONMENTAL RESOURCE REGULATION DEPUTY DEPARTMENT DIRECTOR :


Anthony M. Waterhouse, P.E.

DATE: 12/22/09

GENERAL CONDITIONS

1. All activities authorized by this permit shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit and Part IV, Chapter 373, F.S.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
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7. The operation phase of this permit shall not become effective: until the permittee has complied with the requirements of condition (6) above, and submitted a request for conversion of Environmental Resource Permit from Construction Phase to Operation Phase, Form No. 0920; the District determines the system to be in compliance with the permitted plans and specifications; and the entity

GENERAL CONDITIONS

approved by the District in accordance with Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, accepts responsibility for operation and maintenance of the system. The permit shall not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall initiate transfer of the permit to the approved responsible operating entity if different from the permittee. Until the permit is transferred pursuant to Section 40E-1.6107, F.A.C., the permittee shall be liable for compliance with the terms of the permit.

8. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of the phase or portion of the system to a local government or other responsible entity.
9. For those systems that will be operated or maintained by an entity that will require an easement or deed restriction in order to enable that entity to operate or maintain the system in conformance with this permit, such easement or deed restriction must be recorded in the public records and submitted to the District along with any other final operation and maintenance documents required by Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit applications within the South Florida Water Management District, prior to lot or units sales or prior to the completion of the system, whichever comes first. Other documents concerning the establishment and authority of the operating entity must be filed with the Secretary of State, county or municipal entities. Final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local government entity. Failure to submit the appropriate final documents will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system and any other permit conditions.
10. Should any other regulatory agency require changes to the permitted system, the permittee shall notify the District in writing of the changes prior to implementation so that a determination can be made whether a permit modification is required.
11. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40E-4 or Chapter 40E-40, F.A.C..
12. The permittee is hereby advised that Section 253.77, F.S. states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the State, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
13. The permittee must obtain a Water Use permit prior to construction dewatering, unless the work qualifies for a general permit pursuant to Subsection 40E-20.302(3), F.A.C., also known as the "No Notice" Rule.
14. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal,

GENERAL CONDITIONS

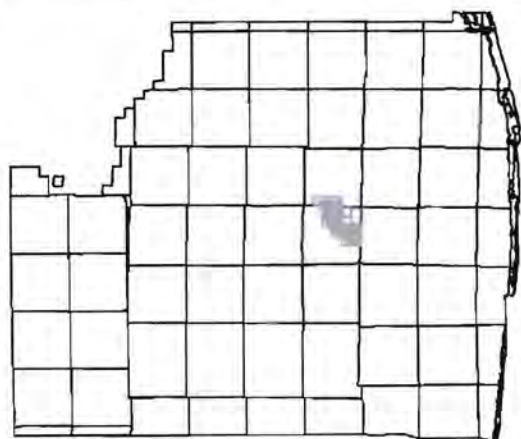
abandonment or use of any system authorized by the permit.

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding, unless a specific condition of this permit or a formal determination under Section 373.421(2), F.S., provides otherwise.
16. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of a permitted system or the real property on which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rules 40E-1.6105 and 40E-1.6107, F.A.C.. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations prior to the sale, conveyance or other transfer of the system.
17. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.
18. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the appropriate District service center.
19. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

SPECIAL CONDITIONS

1. Discharge Facilities: Through previously permitted facilities.
2. Operation of the surface water management system shall be the responsibility of PINE TREE WATER CONTROL DISTRICT.
3. The permittee shall be responsible for the correction of any erosion, shoaling or water quality problems that result from the construction or operation of the surface water management system.
4. Measures shall be taken during construction to insure that sedimentation and/or turbidity violations do not occur in the receiving water.
5. The District reserves the right to require that additional water quality treatment methods be incorporated into the drainage system if such measures are shown to be necessary.
6. Facilities other than those stated herein shall not be constructed without an approved modification of this permit.
7. A stable, permanent and accessible elevation reference shall be established on or within one hundred (100) feet of all permitted discharge structures no later than the submission of the certification report. The location of the elevation reference must be noted on or with the certification report.
8. The permittee shall provide routine maintenance of all of the components of the surface water management system in order to remove all trapped sediments/debris. All materials shall be properly disposed of as required by law. Failure to properly maintain the system may result in adverse flooding conditions.
9. This permit is issued based on the applicant's submitted information which reasonably demonstrates that adverse water resource related impacts will not be caused by the completed permit activity. Should any adverse impacts caused by the completed surface water management system occur, the District will require the permittee to provide appropriate mitigation to the District or other impacted party. The District will require the permittee to modify the surface water management system, if necessary, to eliminate the cause of the adverse impacts.
10. The permittee acknowledges, that pursuant to Rule 40E-4.101(2), F.A.C., a notice of Environmental Resource or Surface Water Management Permit may be recorded in the county public records. Pursuant to the specific language of the rule, this notice shall not be considered an encumbrance upon the property.
11. If prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, the permitted project should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The permittee, or other designee, should contact the Florida Department of State, Division of Historical Resources, Review and Compliance Section at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Project activities should not resume without verbal and/or written authorization from the Division of Historical Resources. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, Florida Statutes.
12. Monitoring requirements shall be in accordance with EXHIBIT 4.

090610-9 01/02/2010 15:14 SH



PALM BEACH COUNTY, FLORIDA



Legend

 Application

Map Date: 11/20/2009

Application Number: 090610-9

Permit Number: 50-00458-S

Project Name: PINE TREE WATER CONTROL
DISTRICT- RUSTIC RANCHES

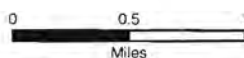
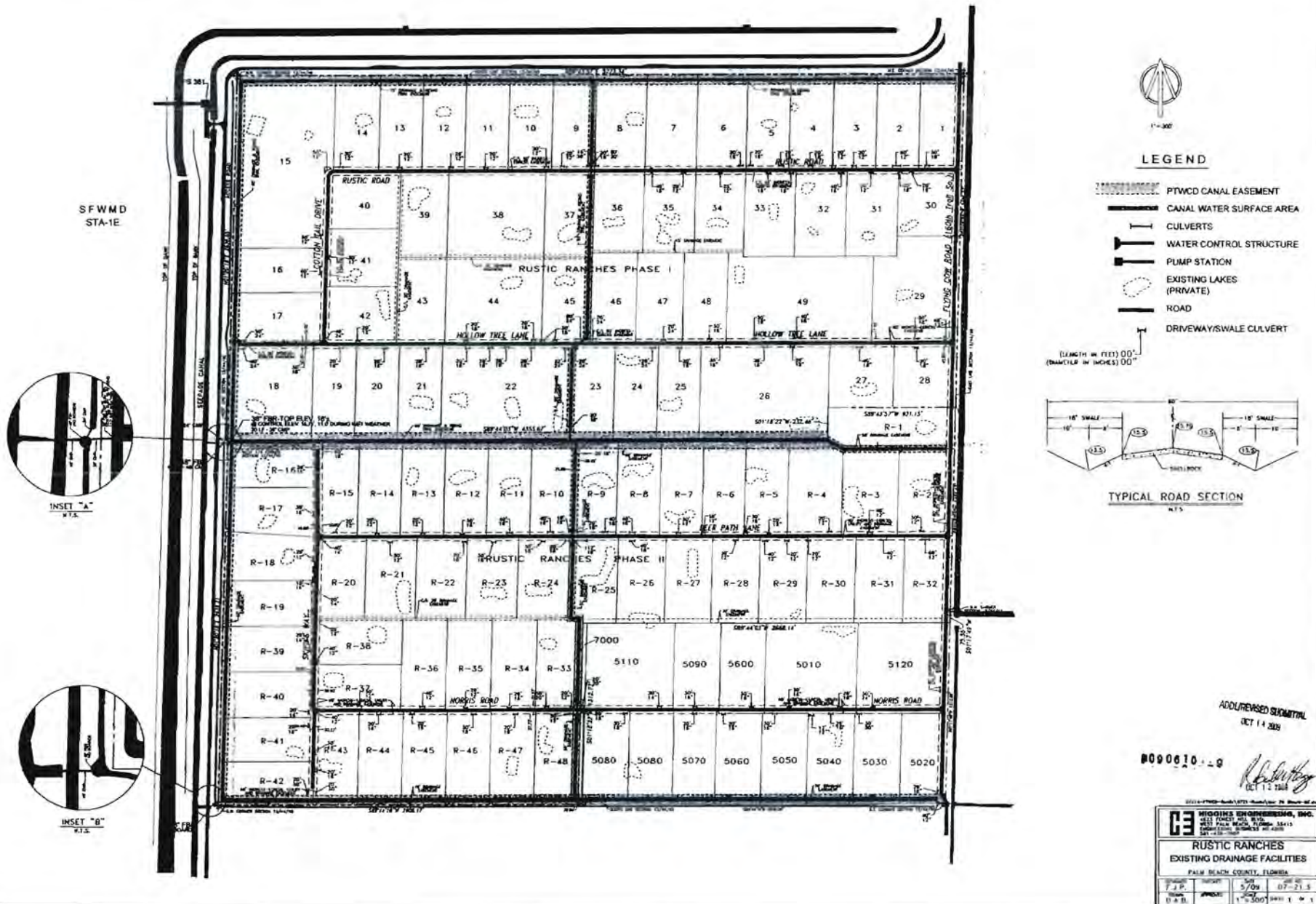


Exhibit : 1

SCANNED 01/05/2010 15:34 6H





MONITORING REQUIREMENTS

RAINFALL: The permittee shall be responsible for maintaining a rain gauge onsite and providing daily rainfall measurements.

FREQUENCY AND LOCATION: Water quality samples shall be taken on the upstream side of the structure discharging from the Pine Tree Water Control District basin, within 24 hours of a storm event that registers at least one inch of rain at a precipitation gauge located within the Pine Tree hydrologic basin, and only if the structure is discharging. During the wet season (June 1 through October 31), only one monitoring sample is required during any four week interval, even if the four week interval has more than one storm event exceeding one inch of rain. During the dry season (November 1 through May 31), one monitoring sample is required during the seven month interval. Water quality samples shall be analyzed for the parameters with the required MDLs listed below.

Parameter	Required MDL	In Situ	Units
TP	0.004 mg/l	pH	units
OPO ₄	0.004 mg/l	Conductivity	µmohs/cm
NH ₄	0.020 mg/l	DO	mg/l
TKN	0.090 mg/l	Temperature	degrees Celsius
NO _x	0.005 mg/l		
TSS	5.0 mg/l		
Cl	1.0 mg/l		

All water quality analyses shall be performed by a laboratory that is accredited in accordance with the National Environmental Laboratory Accreditation Conference (NELAC) under the authority of the Florida Department of Health (FDOH). The water quality field sampling shall follow Florida Department of Environmental Protection-specified standard operating procedures. The number of monitoring sites, frequency of collection and parameters required may change as data are obtained. Any such changes must be approved and recorded in advance by the District.

DURATION OF SAMPLING: Sampling shall continue in perpetuity until a request is approved and recorded by the District to modify or eliminate the sampling requirements.

REPORTING REQUIREMENTS TO THE EVERGLADES REGULATION DIVISION:

MONTHLY REPORTING: Monthly monitoring reports shall contain the following:

1. Summarized daily rainfall data and all water quality sampling events (if required) must be identified on a monthly basis.
2. Water quality monitoring data shall be submitted in an excel worksheet on a monthly basis containing the following data and format: Permit No., Application No., Sampling Site, Sample No., Field Quality Control Type, Sampling Date, Sampling Time, Sampling Depth, Parameter

Name, Method Name, Analysis Date, Analysis Time, PQL, MDLs, Results, Units, Remarks, Lab No., Comments, Source.

ANNUAL REPORTING: The Pine Tree Water Control District shall submit a document summarizing water quality improvement efforts and results on an annual basis. The document is to include an update of Pine Tree Water Control District's Best Management Practices (BMP) and phosphorus reduction programs, summary of annual data, and long term trends for discharge from the system.

Monthly and annual reporting may be performed and submitted in conjunction with that required by Village of Wellington Permit No.50-00548-S, Application No. 070330-35. All monthly and annual reports shall include the Permit No. and Application No., associated with this permit.

RECORDS: A field sampling quality manual shall be maintained by the Pine Tree Water Control District including field sampling standard procedures. All water quality sampling chains of custody and field sheets shall be fully completed (date and time of sampling, sample locations, sample treatment, weather conditions, wind directions, flow) and retained by the Pine Tree Water Control District. These records shall be provided upon request by the District.

DURATION OF REPORTING: Reporting shall continue as outlined above in perpetuity until a request is approved and recorded by the District to modify or eliminate the reporting requirements.

STAFF REPORT DISTRIBUTION LIST

PINE TREE WATER CONTROL DISTRICT- RUSTIC RANCHES

Application No: 090610-9

Permit No: 50-00458-S

INTERNAL DISTRIBUTION

- X Kurtis Gregg - 4220
- X Rosalyn W. Ellington - 4220
- X Carlos A. de Rojas, P.E. - 4220
- X Barbara J. Conmy - 4220
- X A. Bain
- X A. Waterhouse
- X Arlan Pankow - 5742
- X ERC Engineering
- X ERC Environmental
- X H. Bittaker, PBCSC
- X J. Golden
- X Jim Sturgiss - 7821
- X Jorge Jaramillo - 7822
- X Permit File
- X Steven Sarley - 2481

EXTERNAL DISTRIBUTION

- X Permittee - Pine Tree Water Control District
- X Engr Consultant - Higgins Engineering Inc

GOVERNMENT AGENCIES

- X City Engineer, City of Wellington
- X Div of Recreation and Park - District 7 - FDEP
- X Indian Trail Improvement District
- X Palm Beach County - Building Div
- X Palm Beach County - Environmental Res Management
- X Palm Beach County - Health Dept Environmental Health & Engineering
- X Palm Beach County - School Board Growth Mgmt
- X Palm Beach County Engineer
- X Pine Tree Water Control District

OTHER INTERESTED PARTIES

- X Alexandria Larson
- X Rosa Durando
- X Water Catchment Area Advisory Committee - Ed Dailey



Exhibit J - Rustic Ranches Map



RUSTIC RANCHES NEIGHBORHOOD CANALS



Exhibit K – 2021 Court Order

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO. 50-2019-CA-006485XXXXMB
Division AI

VILLAGE OF WELLINGTON

Plaintiff,

v.

PINE TREE WATER CONTROL DISTRICT

Defendant.

PERMANENT INJUNCTION AND DIRECTION TO THE CLERK
TO ISSUE WRIT OF MANDAMUS

THIS CAUSE came before the Court following entry of the Court's April 21, 2021 Order on Summary Judgment ("Summary Judgment Order"), entered by the Court after conducting a hearing on March 29, 2021 on competing motions for summary judgment filed by the Plaintiff, VILLAGE OF WELLINGTON ("Wellington") and by the Defendant, PINE TREE WATER CONTROL DISTRICT ("Pine Tree"). The Court's Summary Judgment Order confirmed that the "Court will issue a separate Permanent Injunction requiring Pine Tree to comply with its Water Control Plan and SFWMD Permit by maintaining Roads in the Rustic Ranches subdivision" and that the Court will also issue a separate writ of mandamus directing Pine Tree to perform these ministerial obligations." See Summary Judgment Order at p. 16. Based upon the forgoing, it is

ORDERED AND ADJUDGED as follows:

The Summary Judgment Order in its entirety is hereby incorporated into this final judgment granting a permanent injunction ("Permanent Injunction") in favor of Wellington, including the

findings of fact and conclusions of law set forth in the Summary Judgment Order, and the Court relies upon such facts and conclusions of law in issuing this Permanent Injunction.

The Court determines that Pine Tree adopted a water control plan (“Water Control Plan”) and secured a permit issued to Pine Tree by the South Florida Water Management District (“SFWMD Permit”). See Summary Judgment Order at p. 2. The totality of the evidence, including the terms of the Water Control Plan, the SFWMD Permit, the Interlocal Agreement admitted in to evidence, and the testimony and exhibits in the record, confirms that Pine Tree is required to maintain the roads within the Rustic Ranches subdivision of the Village of Wellington (“Roads”). Under the SFWMD Permit, Pine Tree has the public obligation to maintain the Roads to a specific height, width, and grade. See Summary Judgment Order at p. 15. By this Permanent Injunction, Pine Tree is directed to maintain the Roads in compliance with the Water Control Plan and SFWMD Permit.

Wellington has established a clear legal right, an inadequate remedy at law, and that irreparable harm will result in the absence of injunctive relief. See W. Brown & Co. v. McCutchen, 819 So. 2d 977, 979 (Fla. 4th DCA 2002); Dania Jai Alai Int’l, Inc. v. Murua, 375 So. 2d 57, 58 (Fla. 4th DCA 1979). Wellington has demonstrated a clear legal right to injunctive relief based upon Pine Tree’s public obligation to maintain the Roads and based upon evidence that Pine Tree will not honor and perform that public obligation without judicial intervention. See Nipper v. Walton Cty., Fla., 208 So. 3d 331, 333 (Fla. 1st DCA 2017); Ware v. Polk Cnty., 918 So. 2d 977, 980 (Fla. 2d DCA 2005); P.M. Realty & Investments, Inc. v. City of Tampa, 779 So. 2d 404, 405 (Fla. 2d DCA 2000). Wellington has no adequate remedy at law and will suffer irreparable harm if the injunctive relief is not granted: “[W]here the government seeks an injunction in order to enforce its police power, any alternative legal remedy is ignored and irreparable harm is

presumed.” Ware, 918 So. 2d at 979 (citing Metro. Dade County v. O’Brien, 660 So. 2d 364, 365 (Fla. 3d DCA 1995)). Moreover, the Court finds that an absence of road maintenance creates a danger to the public for which there is no adequate remedy at law. See Dade Cty. v. Dunn, 693 So. 2d 1035, 1037 (Fla. 3d DCA 1997) (holding that destruction of roads presented an immediate danger to the public safety and therefore constituted irreparable harm). Based upon the foregoing, it is

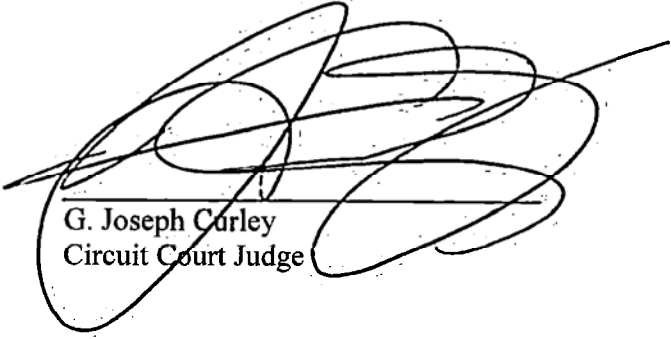
FURTHER ORDERED AND ADJUDGED as follows:

1. Pine Tree is hereby Ordered to comply with its Water Control Plan and South Florida Water Management District Permit No. 50-00485-R/S/W, including attached **Exhibit “A,”** by maintaining the roads in the Rustic Ranches subdivision of the Village of Wellington.

2. The Clerk is hereby directed to issue the attached Writ of Mandamus requiring Pine Tree to comply, forthwith, with Pine Tree’s Water Control Plan and South Florida Water Management District Permit with respect to the maintenance of the roads in the Rustic Ranches subdivision of the Village of Wellington.

3. The Court reserves jurisdiction to address post-judgment motions, including motions seeking an award of costs.

DONE AND ORDERED in Chambers at West Palm Beach, Palm Beach County, Florida, this 11 day of August 2021.



G. Joseph Curley
Circuit Court Judge

Copies Furnished to:
All counsel of record

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO. 50-2019-CA-006485XXXXMB
Division AI

VILLAGE OF WELLINGTON

Plaintiff,

v.

PINE TREE WATER CONTROL DISTRICT

Defendant.

WRIT OF MANDAMUS

THE STATE OF FLORIDA

To: Kerry N. Hitt
Chairman of the Board of Supervisors
Pine Tree Water Control District
16559 Rustic Road
Loxahatchee, FL 33470

YOU ARE COMMANDED, in your official capacity as the President of the Pine Tree Water Control District, to comply forthwith with the Pine Tree Water Control Plan and South Florida Water Management District Permit No. 50-00485-R/S/W, including attached **Exhibit "A,"** issued to the Pine Tree Water Control District with respect to the maintenance of roads in the Rustic Ranches subdivision of the Village of Wellington.

YOU ARE FURTHER COMMANDED to file notice with the Court that you have obeyed this writ no later than August 23, 2021.

DATED on this _____ day of July 2021.

Joseph Abruzzo
As Clerk of the Court

By: _____
As Deputy Clerk of the Court