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## ANNUAL LEGAL STATUS REPORT

**DATE:** June 20, 2008

**TO:** Board of Supervisors  
Loxahatchee Groves Water Control District

**FROM:** Caldwell & Pacetti

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The following is a summary of the matters which have been handled by this office over the past year:

1. Town of Loxahatchee Groves Interlocal Agreement/Gas Tax Revenues: The Town of Loxahatchee Groves has raised the issue that a municipality receives its portion of gas tax revenue distributed pursuant to the ILA between the County and the cities according to a formula based on the number of lane miles which the municipality is responsible to maintain. The Town's position is that the current ILA is not consistent with the County's Interlocal Agreement with the League of Cities. The League of Cities questioned the Town's ability to qualify for the revenue based on language in the ILA. The Town and the League suggested terminating the 2007 ILA and having the Town and the District negotiate a new agreement. At the June 3, 2008 meeting, the Town Council adopted a Resolution confirming its acceptance of gas tax revenue and requesting staff to meet with District representatives to address the League's concerns regarding the existing ILA. At a June 5, 2008 meeting between Town and District staff, including District legal counsel attending by conference call, a revised ILA was discussed and a preliminary draft reviewed. A proposed replacement ILA, containing changes to clarify the District's position regarding use of the Town's gas tax revenue for road maintenance and capital improvements, was distributed to the Town, and the District. The proposed ILA was presented to the Board for its consideration at the June 9, 2008 meeting. The Board deferred action at that meeting to address the comments raised. The Town has since provided the District with Notice of Termination of the existing ILA. The District is in the process of addressing an alternative to the Town.
2. Grove Medical Plaza: We reviewed the agreement between the District and the Groves' Medical Plaza for funding of paving of a portion of "F" Road. On May 1, 2008, we were informed by the developer's representatives that the prospective tenants have decided not to proceed with the project. The property owner is uncertain when the construction of the project will begin and cannot commit to funding "F"

- Road until such time when construction begins. The project is subject to a County zoning condition requiring the developer to construct or fund a portion of "F" Road prior to issuance of a Certificate of Occupancy.
3. Compton Road Right-of-Way Easement. We prepared the Department of Revenue Forms (DR-219s) for the recording of the Compton Road Right-of-Way Easements with the Palm Beach County Clerk's Office. All executed easements have been received, recorded and have been provided to the District.
  4. Canal Maintenance Easement Form: We revised the District's Canal Maintenance Easement form.
  5. Equipment Purchases:
    - (A) The John Deere Tractor Lease Purchase Agreement with the District was completed.
    - (B) Lease/Purchase documents for the Radio Telemetry System Upgrade.
    - (C) Lease/Purchase documents for the new Water Truck.
  6. Non-Ad Valorem Assessment Roll: We attended the Non-Ad Valorem Assessment Meeting regarding the District's Assessment Roll. We coordinated with the District regarding the District's Non-Ad Valorem Assessment Roll Procedure.
  7. We attended the June 25, 2007 Landowners' Meeting and advised regarding the procedure for election of supervisors.
  8. We coordinated with District regarding administrative and personnel issues.
  9. We addressed the non-applicability of the Mechanic's Lien Statute to the District.
  10. We finalized review of the Interlocal Agreement with the Town of Loxahatchee Groves regarding traffic signage.
  11. We coordinated with the District Administrator regarding Culvert Crossing/Unit of Development No. 1.
  12. We provided legal counsel for the deposition of the District Manager in conjunction with third party litigation.
  13. We coordinated with the District regarding a Variance Request from Palm Beach County Water Utilities.
  14. We recorded a landowner drainage permit.
  15. We addressed a landowner trespass issue.
  16. We also coordinated various additional matters:

- a. SFWMD/Variance application.
- b. April/Water conservation.
- c. Palm Beach County Unified Local Mitigation Status.
- d. Uniform Drainage Culvert Standards.
- e. Public records issues/surveillance.
- f. Auditor services renewal.