



**PAL-MAR  
WATER CONTROL DISTRICT**

**REGULAR BOARD MEETING  
DECEMBER 7, 2023  
9:30 A.M.**

Special District Services, Inc.  
The Oaks Center  
2501A Burns Road  
Palm Beach Gardens, FL 33410

[www.palmarwcd.org](http://www.palmarwcd.org)  
561.630.4922 Telephone  
877.SDS.4922 Toll Free  
561.630.4923 Facsimile

**AGENDA**  
**PAL MAR WATER CONTROL DISTRICT**  
Martin County Commission Chambers' Administrative Center  
2401 SE Monterey Road  
Stuart, Florida 34996  
**REGULAR BOARD MEETING**  
December 7, 2023  
9:30 a.m.

- A. Call to Order
- B. Proof of Publication.....Page 1
- C. Establish Quorum
- D. Additions, Deletions, or Modifications to Agenda
- E. Approval of Minutes
  - 1. October 5, 2023 Regular Board Meeting.....Page 3
- F. Old Business
  - 1. Update on Estimate of Extensive Survey of District Easements and Right-of-Ways.....Page 10
- G. New Business
  - 1. Consider Designation of District Secretary/Treasurer
  - 2. Consider Resolution No. 2023-04 – Authorizing Electronic Approvals and Check Signers.....Page 13
  - 3. Consider Resolution No. 2023-05 – Adopting Records Retention Schedule.....Page 14
  - 4. Consider Approval of Rate Increase for Higgins Engineering, Inc.....Page 18
  - 5. Consider Approval of Mowing Proposals.....Page 19
  - 6. Consider Formal Request to Abandon a Portion of an Easement.....Page 22
  - 7. Update on Proposals for Washout Repairs
  - 8. Discussion Regarding Termination of MCSO Agreement.....Page 33
  - 9. Update on Email to FWC and SFWMD Regarding Target Shooting
  - 10. Discussion on Possible Wording and Placing of Informational or Safety Signs
  - 11. Discussion Regarding the Installation of Gates on District Works at the Landowners Request
  - 12. Discussion Regarding Financial Impact of Damage to Works of the District and Possible Preventative Measures
  - 13. Update on District Attorney Review of Caldwell Pacetti November 2019 Memo.....Page 34
- H. Status Report
  - 1. Legal – Status Report
  - 2. Engineer – Status Report
  - 3. District Manager - Status Report
  - 4. Field Maintenance – Status Report
  - 5. MCSO – Status Report

I. Administrative Matters

1. Financial Report.....Page 37

2. Consider Invoices.....Page 38

J. Landowner Items

K. Comments from the Public for Items Not on the Agenda

L. Board Member Comments

M. Adjourn

# Treasure Coast Newspapers

PART OF THE USA TODAY NETWORK

Stuart News

1801 U.S. 1, Vero Beach, FL 32960

## AFFIDAVIT OF PUBLICATION

**PAR MAR WATER CONTROL DISTRICT**  
2501 BURNS RD. #A

**PALM BEACH GARDENS, FL 3341-5207**

STATE OF WISCONSIN  
COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Coordinator of the Stuart News, published in Martin County, Florida: that the attached copy of advertisement, being a Public Notice-Legals was published on publicly accessible, website of Martin County, Florida, or in a newspaper by print in the issues of, on:

09/25/2023

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.



Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on September 25, 2023:



Notary, State of WI, County of Brown

3/7/27

My commission expires

**KAITLYN FELTY**  
Notary Public  
State of Wisconsin

Publication Cost: \$153.90  
Ad No: 0005830588  
Customer No: 2248563  
PO #:

# of Affidavits 1

PAL MAR WATER CONTROL DISTRICT  
FISCAL YEAR 2023/2024 REGULAR MEETING SCHEDULE  
NOTICE IS HEREBY GIVEN that the Board of Supervisors of the Pal Mar Water Control District will hold Regular Meetings at 9:30 a.m. in the Martin County Commission Chambers, Administrative Center, located at 2401 SE Monterey Road, Stuart, Florida 34996, (\*\*unless otherwise noted\*\*) on the following dates:

- October 5, 2023
- November 2, 2023
- December 7, 2023
- January 4, 2024
- February 1, 2024
- March 7, 2024
- April 4, 2024
- May 2, 2024
- \*\*June 6, 2024\*\*
- August 1, 2024
- September 5, 2024

\*\*The June 6, 2024, Regular Meeting will take place at 10:00 a.m. in the Martin County Commission Chambers, Administrative Center, located at 2401 SE Monterey Road, Stuart, Florida 34996 and will also include the Landowners' Meeting.\*\*

The purpose of the meetings is to conduct any all business coming before the Board. Copies of the Agenda for any of the meetings may be obtained from the District's website or by contacting the District Manager at (561) 630-4922 and/or toll free 1-877-737-4922

From time to time one or more Supervisors may participate by telephone, therefore, a speaker telephone will be present at the meeting location so that Supervisors may be fully informed of the discussions taking place. Meetings may be continued as found necessary to a time and place specified on the record.

If any person decides to appeal any decision made with respect to any matter considered at these meetings, such person will need a record of the proceedings and such person may need to insure that a verbatim record of the proceedings is made at his or her own expense and which record includes the testimony and evidence on which the appeal is based.

In accordance with the provisions of the Americans with Disabilities Act, any person requiring special accommodations or an interpreter to participate at any of these meetings should contact the District Manager at (561) 630-4922 and/or toll-free 1-877-737-4922 at least seven (7) days prior to the date of the particular meeting.

Meetings may be cancelled from time to time without advertised notice.

PAL MAR WATER CONTROL DISTRICT  
www.palmarwcd.org  
Pub: Sept 25, 2023  
TCN5830588

# LOCALiQ

The Gainesville Sun | The Ledger  
Daily Commercial | Ocala StarBanner  
News Chief | Herald-Tribune  
News Herald | The Palm Beach Post  
Northwest Florida Daily News

PO Box 631244 Cincinnati, OH 45263-1244

## PROOF OF PUBLICATION

laura archer  
Pal-Mar Water Control District  
2501 Burns RD # A  
Palm Beach Gardens FL 33410-5207

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Coordinator of the Palm Beach Post, published in Palm Beach County, Florida; that the attached copy of advertisement, being a Govt Public Notices, was published on the publicly accessible website of Palm Beach County, Florida, or in a newspaper by print in the issues of, on:

09/25/2023

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 09/25/2023

Legal Clerk

Notary, State of WI, County of Brown

3/7/27

My commission expires

Publication Cost: \$262.65  
Order No: 9301410 # of Copies: 1  
Customer No: 736988  
PO #: FY23/24 MEETINGS

**THIS IS NOT AN INVOICE!**

*Please do not use this form for payment remittance*

KAITLYN FELTY  
Notary Public  
State of Wisconsin

### PAL MAR WATER CONTROL DISTRICT FISCAL YEAR 2023/2024 REGULAR MEETING SCHEDULE

NOTICE IS HEREBY GIVEN that the Board of Supervisors of the Pal Mar Water Control District will hold Regular Meetings at 9:30 a.m. in the Martin County Commission Chambers, Administrative Center, located at 2401 SE Monterey Road, Stuart, Florida 34996, (\*\*unless otherwise noted\*\*) on the following dates:

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Meetings may be cancelled from time to time without advertised notice  
PAL MAR WATER CONTROL DISTRICT  
www.palmarwcd.org 9301410 9/25/23



PAL MAR WATER CONTROL DISTRICT  
REGULAR BOARD MEETING  
October 5, 2023

**A. CALL TO ORDER**

District Manager Michael McElligott called the October 5, 2023, Regular Board Meeting of the Pal Mar Water Control District to order at 9:33 a.m. in the Martin County Commission Chambers, 2401 SE Monterey Road, Stuart, Florida 34996.

**B. PROOF OF PUBLICATION**

District Manager Michael McElligott offered Proof of Publication which showed that notice of the Regular Board Meeting had been published in *The Palm Beach Post* and in *The Stuart News* on 9/25/2023, as legally required.

**C. ESTABLISH QUORUM**

A quorum was established with the following attendees:

Commissioner Maria Marino	Present
Commissioner Sarah Heard	Present
George Stokus	Present
Kevin Cutting	Present
Lewis Lolmaugh	Present

Also, in attendance were staff members:

District Manager Michael McElligott	Special District Services, Inc
General Counsel Ruth Holmes	Torcivia, Donlon, Goddeau & Rubin, P.A.
District Engineer Bob Higgins	Higgins Engineering
TJ Mansell	TJ Mansell Land Management

Also, in attendance were several landowners and members of the public.

**D. ADDITIONS OR DELETIONS TO THE AGENDA**

There was a request to move the Martin County Sheriff's Office status report up to earlier in the meeting to accommodate Officer Smith's schedule. There was a **motion** by Commissioner Heard to approve the change in the agenda order, with a second from Mr. Stokus. That **motion** passed **5-0**.

**E. APPROVAL OF MINUTES**

**1. September 7, 2023, Regular Board Meeting**

PAL MAR WATER CONTROL DISTRICT  
REGULAR BOARD MEETING  
October 5, 2023

Mr. McElligott stated that he had already been pointed to a typo, but unfortunately the books had already been printed so the corrected minutes are not in the book. Mr. McElligott asked for any other corrections. Mr. Cutting asked that the second paragraph of his Board Member Comments be updated to give context, to add “in the abscess of an approved plan” to his comment to not drain or build. There being no other changes, the September 7, 2023, Regular Board Meeting minutes were approved as amended on a **motion** made by Commissioner Heard, seconded by Mr. Stokus. The **motion** carried **5-0**.

**F. OLD BUSINESS**

**1. Discussion on Potential Extensive Survey of District Right-of-Ways**

Mr. McElligott explained that in a previous meeting the Board discussed the possible need to have an extensive survey done in Pal-Mar WCD. Mr. Higgins asked for a little more of a defined objective from the Board so that he can get more accurate estimates of a cost. Mr. Higgins recommends the canal and levee easements or rights-of-way, and not the extensive ingress/egress easements that are found on every individual lot. Mr. Cutting, with the help of a poster board he brought, showed just one of the 50’ easements off a main gate and asked how much of the 50’ easement does Pal-Mar WCD actually need for its works. Both Commissioner Heard and Mr. Higgins agreed that the entire 50 feet are needed. There was some discussion on if the Board is looking just to identify the location and boundaries of the easements and rights-of-way, or if the Board also wants the topography, height and depth of berms and canals, which Mr. Higgins stated would double or triple the cost of the survey. After some Board discussion it was determined that the original intent of the survey is just to get a legal survey to identify the boundaries of the easements and rights-of-way and identify items within the easements like the berms, canals, and culverts etc.

There was a **motion** by Mr. Stokus, with a second by Commissioner Heard, to direct Mr. Higgins to get an estimate on a legal survey to determine the boundaries of the District easements and rights-of-ways and identify locations of the canals and culverts. That **motion** passed **5-0**.

**2. Status Report by Officer Smith from MCSO**

Officer Smith started by asking if there were any questions from the Board. Commissioner Marino asked about the amount of activity last month. Officer Smith stated that activity was actually down mainly due to the weather and high heat and lack of rain. He did say activity was ramping up due to hunting season being open. Officer Smith does expect activity should start ramping up with riders as the weather getting cooler. Also, berry picking season is over so that activity has stopped. Commissioner Heard

PAL MAR WATER CONTROL DISTRICT  
REGULAR BOARD MEETING  
October 5, 2023

asked how many citations or tickets had been issued since our last meeting. Officer Smith stated that no citations had been issued. Officer Smith talked about setting up a camera at a pool where they observed people washing off but no one driving in the canal.

Mr. Cutting brought out a back of spent bullet shells that he collected around gate 7N. He believes this poses a threat to Mr. Mansell as the District maintenance supervisor. Mr. Cutting asked about appealing to FWC, MCSO, and SFWMD about putting up signs to curb shooting in specific directions. Officer Smith said that while he would love to have signs like that, these people are allowed to target practice during hunting season so there is nothing FWC or MCSO can do about the high activity at some of these gates that are from people legally target practice shooting. Officer Smith said to curb the target shooting we would need SFWMD or FWC to amend their rules to disallow target shooting all year long. There was a lot of discussion among the Board and staff that followed. Mr. Yustin from Martin County Public Works asked about a Florida Statute that limits hunting within 1,000 feet of others private property. Office Smith said yes, and for that reason there is a safety zone with no hunting along the border of Hungryland and Ranch Colony, but there are no safety zones between the boarder of Hungryland and Pal-Mar WCD.

After further discussion the Board directed staff to email parties at SFWMD and FWC about the potential for rule changes to address the unsafe target shooting.

There was also some discussion regarding posing possible informational or safety signs. Mrs. Holmes suggested that she wanted to talk with Mr. Higgins to make sure any language is consistent with the WCP and that there would be no language that could mistakenly be taken as an invitation to traverse the works of the district. There was then direction from the Board to add to the next agenda a discussion about possible informational or safety signs.

**G. NEW BUSINESS**

**1. Consider Resolution No. 2023-03 – Adopting a Fiscal year 2022/2023 Amended Budget**

Mr. McElligott presented Resolution No. 2023-03 titled:

**RESOLUTION NO. 2023-03**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE PAL-MAR WATER CONTROL DISTRICT AUTHORIZING AND ADOPTING AN AMENDED FINAL FISCAL YEAR 2022/2023 BUDGET, PURSUANT TO CHAPTER 189, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.**



PAL MAR WATER CONTROL DISTRICT  
REGULAR BOARD MEETING  
October 5, 2023

Mr. McElligott presented the Amended Fiscal Year 2022/2023 Budget. After some Board discussion, a **motion** was made by Mr. Lolmaugh, with a second from Commissioner Heard, to approve Resolution No. 2023-03 as presented. That **motion** passed **5-0**.

**2. Consider Approval of Torcivia, Donlon, Goddeau & Rubin, P.A. Contract for District Attorney**

Mr. McElligott reminded the Board that they previously approved a proposal from Torcivia, Donlon, Goddeau & Rubin, P.A., that we are now just asking for approval of the formal contract. Mrs. Holmes gave an overview of the contract. There was then a **motion** by Commissioner Heard, with a second Mr. Stokus, to approve the Torcivia, Donlon, Goddeau & Rubin, P.A. Contract for District Attorney as presented. That **motion** passed **5-0**.

**H. STATUS REPORTS**

**1. Legal – Status Report**

District attorney Ruth Holmes presented a draft of the Maintenance Supervisor contract for TJ Mansell. After a brief discussion, there was a **motion** by Mr. Stokus, with a second from Mr. Lolmaugh, to approve the Maintenance Supervisor contract in substantial form, subject to final review from the district attorney. That **motion** passed **5-0**.

**2. Engineer – Status Report**

Mr. Higgins informed the Board that he had not updated his rates for Pal-mar WCD in a very long time and that he intends to bring a proposed rate increase to the next Board meeting. All other engineering matters had their own agenda items.

**3. District Manager Report**

Mr. McElligott asked about Board member schedules for the next few months with the holidays coming up. The consensus of the Board was to cancel the November meeting and plan to hold the December meeting.

**4. Field Maintenance Report**

Mr. Mansell stated that it is very clean out there, hardly any trash. Mr. Mansell did present some pictures where there had been a washout and some potential vehicles driving through the washout through a canal. Mr. Cutting asked about the wear and tear around gates 1 and 7N. Mr. Mansell said gate 7N is not bad, but that there is almost no

PAL MAR WATER CONTROL DISTRICT  
REGULAR BOARD MEETING  
October 5, 2023

for 6 miles off gate 1, however it is still well maintained. Mr. Cutting asked if the grass would serve a purpose to the works of the district. Mr. Higgins said it can stabilize the soil and prevent erosion. There was some discussion regarding the damage and repair and possible prevention of future damage. It was consensus that the damage, like wash outs or holes, needs to be repaired but there is not currently a lot that can be done to prevent future similar damage. After further discussion, the direction from the Board was to have Mr. Mansell bring back at least 2 proposals to make the repairs to the damage he showed the Board.

**I. ADMINISTRATIVE MATTERS**

**1. Financial Report**

Mr. McElligott pointed out the financial report in the Board book. There was no action required.

**2. Consider Invoices**

Mr. McElligott presented the invoices in the book. The invoices were then approved, as presented, on a **motion** made by Commissioner Heard, seconded by Mr. Stokus, and the **motion** carried **5-0**.

**J. LANDOWNER ITEMS**

Mr. Gazza stated that he owns thousands of acres in Pal-Mar WCD and that he is concerned that the Board and Staff do not know the exact locations of the Pal-Mar WCD works of the district and easements. Mr. Gazza asked that any Board members or staff coming out there be careful not to be on Mr. Gazza's property which he would consider to be trespassing.

**K. COMMENTS FROM THE PUBLIC FOR ITEMS NOT ON THE AGENDA**

There were no comments from the public.

**L. BOARD MEMBER COMMENTS**

Mr. Lolmaugh asked to make sure that we are achieving good interest earnings given the large balance Pal-Mar WCD now has in the bank. Mr. McElligott reminded the Board that since there are public funds, we are restricted to the type of accounts they can be held in. However, Mr. McElligott did let the Board know that SDS does shop banks to make sure they are earning as much as they can given the public funds restrictions.

PAL MAR WATER CONTROL DISTRICT  
REGULAR BOARD MEETING  
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Mr. Cutting asked that we add the following to the next agenda.

1. Discussion regarding the installation of gates across District works at the request of property owners.
2. Discussion regarding the financial impact of damage to the District works and how can the District protect the works.

Mr. Stokus asked that the website be reviewed by the legal counsel, and that we bring back a Board review of the website in the first quarter of next year after legal and management have gotten together on it. Mr. Stokus asked about adding a YouTube link to the website for the meeting recordings that are now being done. Mr. Stokus also asked about the official policy and procedures of Pal-Mar WCD, like for example a time limit for public comments, and that he could not find it on the website. Mr. McElligott explained that there are no written formal policies of that nature that have gone through the rule making process. Mr. Stokus asked that we bring that back as an agenda item to discuss the possibility of creating policies and procedures early next year after staff has had a chance to think about it. Mr. Stokus also asked about when the last time Pal-Mar WCD went out for public procurement of the other staff members, management and engineering. Legal, mowing, and maintenance have been done recently, just want to know when the last time the others were done. Mr. McElligott said he will email that information to the Board.

Mr. Cutting also asked about Mrs. Holmes opinion on the Caldwell Pacetti memo from November 2019 that was later formally adopted by the Board. Mrs. Holmes said she would think about that and get back to the Board on what if anything she would recommend the Board do.

Mr. Stokus also asked about the status of the file transfer from Caldwell Pacetti to Mrs. Holmes. Mr. McElligott updated the Board that he recently talked with Mrs. Viator and their office is still compiling the documents into boxes. Mr. McElligott said he will continue to check in and remind Caldwell Pacetti that he is ready to pick up those boxes as soon as they are ready. Mr. Stokus asked that the Board be updated at the next meeting.

Commissioner Marino commented that there were still items on the website that were pointed out to be updated at the last meeting, such as updating the attorney information to the Districts new firm, and to correct a place where Commissioner Jenkins name was still listed instead of Commissioner Hear. Mr. McElligott said he would get those corrections made.

PAL MAR WATER CONTROL DISTRICT  
REGULAR BOARD MEETING  
October 5, 2023

**M. ADJOURNMENT**

There being no further business to come before the Board, at 11:35 am a **motion** to adjourn the meeting was made by Commission Marino, with a second by Commissioner Heard. The **motion** carried unanimously.

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Secretary/Assistant Secretary

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Chair/Vice-Chair

2023-10-25

Robert Higgins, P.E.  
President  
Higgins Engineering  
4623 Forest Hill blvd, Suite 113  
West Palm Beach, FL 33415  
561-439-7807  
bhiggins@higgins-eng.com

<b>Re:</b>	<b>Pal Mar Water Control District</b> (the "Project") Martin and Palm Beach Counties, FL Proposal to provide Survey Services (the "Proposal") Project Category: PUBLIC/CIVIC - Government: Local
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Dear Mr. Higgins, P.E.:

We are pleased to submit this Proposal to provide Survey services for the above referenced project. Upon verbal or written direction to proceed with performance of the services described herein, this Proposal, along with all attachments thereto, will constitute a binding agreement (the "Agreement") between Bowman Consulting Group Ltd. ("Bowman") and Higgins Engineering (the "Client").

## Project Understanding

It is our understanding that Bowman will provide Survey services for Boundary/Right-of-Way Surveys along the constructed canals that lie within the Pal Mar Water Control District (the district) boundary in Martin and Palm Beach Counties.

Standard of Care - Services provided by Bowman under this proposal will be performed in a manner consistent with the degree of care and skill ordinarily exercised by members of the same profession practicing under similar circumstances, including standard of care at the time the services were provided.

Quality Control - A portion of the stated compensation is set-aside for Quality Control/Quality Assurance, which is part of the Bowman Quality Control Policy.

## **SCOPE OF SERVICES AND FEES**

The scope of services (the "Scope") and associated fees shall be as follows:

### **1. Boundary / Right of Way Surveys (SC-01)**

- Prepare Boundary/Right -of -Way Surveys along the constructed canals as shown in blue on Exhibit "A" (Included) as defined in Chapter 5J17-05 of the Florida Administrative Code (F.A.C.).
- Perform title/deed research of the district's records to determine the right-of-way locations.
- Locate section corners referenced in the deeds of record for the layout of the right-of-way lines.
- Set concrete monuments at 1000-foot intervals and changes in direction along the rights-of-way and at the intersecting right-of-way lines.

# Bowman

- Determine the adjoining landowners.
- Prepare a certified survey drawing documenting right-of-way boundaries.

**FEE: \$236,365.00 Estimated**

**Deliverables:**

- Certified pdf copy of the survey drawings.
- Certified paper copies of the survey drawings.
- CAD files of the survey drawings.

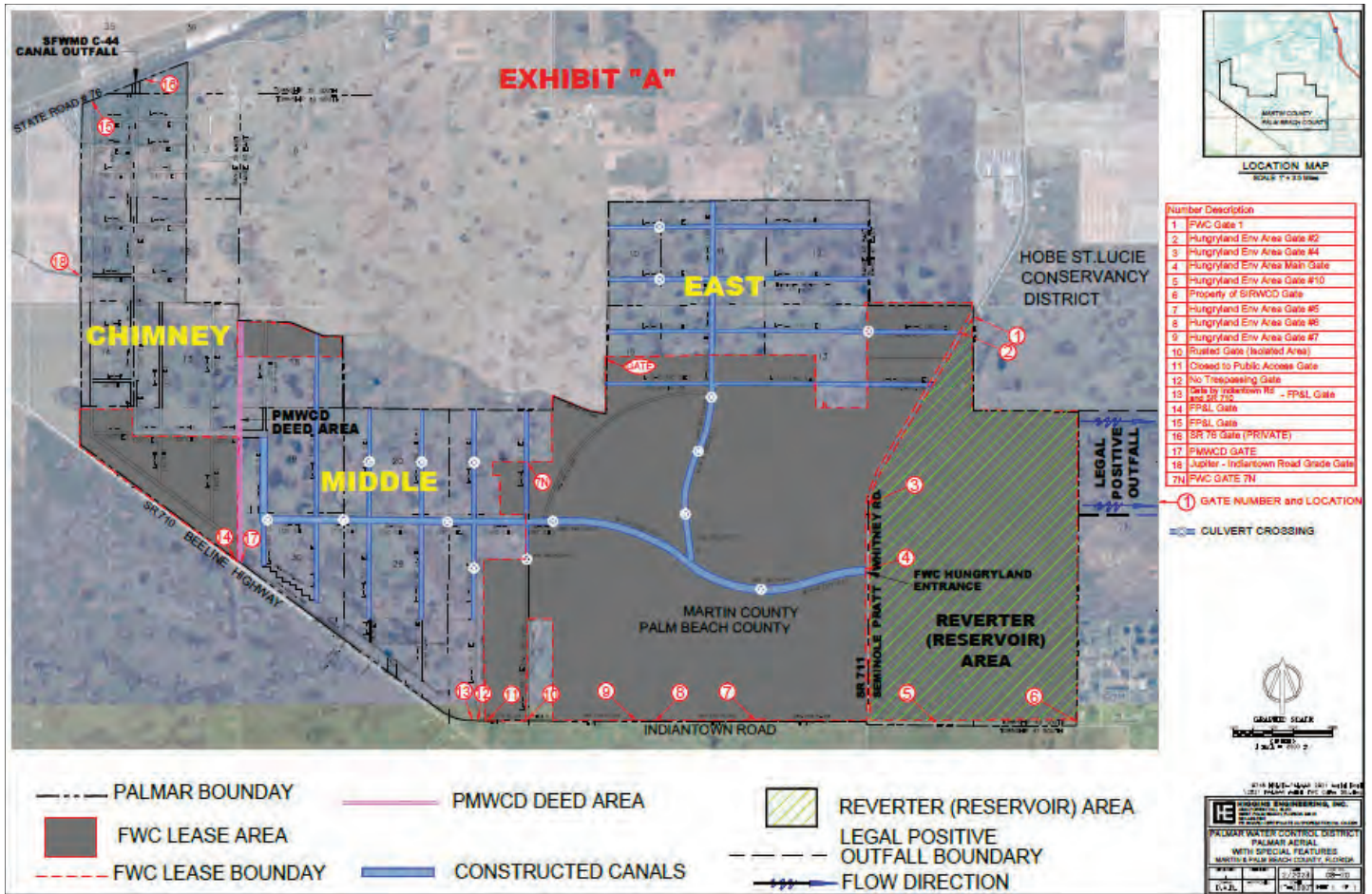
**Optional**

- Location of right-of-way improvements such as fences, culverts, gates, top of canal banks etc.
- Setting witness posts by monumentation
- Posting the right-of-way boundaries

## SUMMARY MATRIX

Task	Description (SC)	Total	Fee Type
1	Boundary / Right of Way Surveys (SC-01)	\$236,365.00	Estimate

**Total Estimated Fees      \$236,365.00**



**RESOLUTION NO. 2023-04**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE PAL-MAR WATER CONTROL DISTRICT, AUTHORIZING THE ESTABLISHMENT OF A DISTRICT CHECKING/OPERATING ACCOUNT, DESIGNATING DISTRICT OFFICIALS AND/OR AUTHORIZED STAFF TO REVIEW, APPROVE AND ISSUE PAYMENT OF EXPENDITURES, SELECTING THE SIGNATORIES THEREOF; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, The Pal-Mar Water Control District ("District") has established a District checking/operating account in order for the District to expend public funds of the District as authorized and required; and

**WHEREAS**, the Board of Supervisors (the "Board") of the District shall designate authorized staff and/or District officials to approve expenditures, via electronic or non-electronic approval processes, from the checking/operating account;

**WHEREAS**, the Board of the District has selected Todd Wodraska, Jason Pierman, Patricia LasCasas, Andrew Karmeris and \_\_\_\_\_ to serve as the signatories, as required, on the District checking/operating account; and

**WHEREAS**, all resolutions or parts thereof of the District in conflict with the provisions contained herein are to the extent of any such conflict, hereby superseded and repealed.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE PAL-MAR WATER CONTROL DISTRICT, AS FOLLOWS:**

**Section 1.** The above recitals are hereby adopted.

**Section 2.** Each expenditure from the checking/operating account will require a minimum of two (2) approvals and a designated member of the Board, by an electronic approval procedure, will have an opportunity to review the District's expenditure(s) prior to release of payment(s).

**Section 3.** When necessary to write checks, the signatures of two (2) of the six (6) signatories named herein will be required on all District checks tendered from the District checking/operating account, as approved.

**PASSED, ADOPTED and becomes EFFECTIVE** this 7<sup>th</sup> day of December, 2023.

**ATTEST:**

**PAL-MAR WATER CONTROL DISTRICT**

By: \_\_\_\_\_  
Secretary/Assistant Secretary

By: \_\_\_\_\_  
Chairperson/Vice Chairperson



**RESOLUTION 2023-05**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE PAL-MAR WATER CONTROL DISTRICT PROVIDING FOR THE APPOINTMENT OF A RECORDS MANAGEMENT LIAISON OFFICER; PROVIDING THE DUTIES OF THE RECORDS MANAGEMENT LIAISON OFFICER; ADOPTING A RECORDS RETENTION POLICY; DETERMINING THE ELECTRONIC RECORD TO BE THE OFFICIAL RECORD; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the Pal-Mar Water Control District (the “District”) is a local unit of special-purpose government created and existing pursuant to Chapter 298, *Florida Statutes*; and

**WHEREAS**, Chapter 298, *Florida Statutes*, authorizes the District to adopt rules to govern the administration of the District and to adopt resolutions as may be necessary for the conduct of District business; and

**WHEREAS**, Section 257.36(5), *Florida Statutes*, requires the District to establish and maintain an active and continuing program for the economical and efficient management of records and to provide for the appointment of a records management liaison officer (“Records Management Liaison Officer”); and

**WHEREAS**, the District desires for the Records Management Liaison Officer to be an employee of the District or an employee of the District Manager; and

**WHEREAS**, the District desires to authorize the District’s records custodian to appoint a Records Management Liaison Officer, which may or may not be the District’s records custodian; and

**WHEREAS**, the District desires to prescribe duties of the Records Management Liaison Officer and provide for the assignment of additional duties; and

**WHEREAS**, the District’s Board of Supervisors (“Board”) finds that it is in the best interests of the District to adopt by resolution a Records Retention Policy (the “Policy”) for immediate use and application; and

**WHEREAS**, the District desires to provide for future amendment of the Records Retention Policy.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE PAL-MAR WATER CONTROL DISTRICT:**

**SECTION 1.** The District hereby authorizes the District’s records custodian to appoint a Records Management Liaison Officer and report such appointment to the appropriate State of Florida agencies. A Records Management Liaison Officer shall be an employee of the District or the District Manager. The Board, and the District’s records custodian, shall each have the individual power to remove the Records Management Liaison Officer at any time for any reason.

Immediately following the removal or resignation of a Records Management Liaison Officer, the District's records custodian shall appoint a replacement Records Management Liaison Officer.

**SECTION 2.** The duties of the Records Management Liaison Officer shall include the following:

- A.** Serve as the District's contact with the Florida Department of State, State Library and Archives of Florida;
- B.** Coordinate the District's records inventory;
- C.** Maintain records retention and disposition forms;
- D.** Coordinate District records management training;
- E.** Develop records management procedures consistent with the attached Records Retention Policy, as amended;
- F.** Participate in the development of the District's development of electronic record keeping systems;
- G.** Submit annual compliance statements;
- H.** Work with the Florida Department of State, State Library and Archives of Florida to establish individual retention schedules for the District, from time to time and as may be necessary; and
- I.** Such other duties as may be assigned by the Board or the District's records custodian in the future.

**SECTION 3.** The District hereby adopts as its Records Retention Policy the applicable provisions of Section 257.36(5), *Florida Statutes*, the rules adopted by the Division of Library and Information Services of the Department of State ("Division") pursuant to Section 257.36, *Florida Statutes*, and the General Records Schedules established by the Division. However, the District will retain certain records longer than required by the General Records Schedules established by the Division as set forth in **Exhibit A**. To the extent the above statute, rules or schedules are amended or supplemented in the future, the District's Records Retention Policy shall automatically incorporate such amendment or supplement provided that such automatic amendment shall not reduce the retention times set forth in **Exhibit A**. The Records Retention Policy shall remain in full force and effect until such time as the Board amends the Policy.

**SECTION 4.** In accordance with section 668.50, Florida Statutes, and section 119.01, Florida Statutes, the Board finds that the electronic record shall be considered the official record and any paper originals are hereby duplicates which may be disposed of unless required to be preserved by any applicable statute, rule or ordinance.

**SECTION 5.** If any provision of this resolution is held to be illegal or invalid, the other provisions shall remain in full force and effect.

**SECTION 6.** This resolution shall become effective upon its passage; shall replace, supplant, and supersede any prior policy or resolution of the District regarding records retention; and shall remain in effect unless rescinded or repealed.

**PASSED AND ADOPTED** this 7<sup>th</sup> day of December, 2023.

ATTEST:

**PAL-MAR WATER CONTROL DISTRICT**

\_\_\_\_\_  
Secretary / Assistant Secretary

\_\_\_\_\_  
Chairperson, Board of Supervisors

**Exhibit A:** District Amendments to General Records Schedules Established by the Division

## **Exhibit A**

### **District Amendments to General Records Schedules established by the Division**

#### **ADVERTISEMENTS: LEGAL (Item #25)**

The District shall retain mailed and published legal advertisements, and corresponding affidavits, relating to proceedings under uniform method of collection of debt assessments permanently. The District shall retain mailed and published legal advertisements, and corresponding affidavits, relating to the levy of assessments securing bonds for five (5) fiscal years provided applicable audits have been released, or until three (3) calendar years after related bonds are redeemed, whichever is later.

#### **AUDITS: INDEPENDENT (Item #56)**

The District shall retain the record copy of independent audits for ten (10) fiscal years or until three (3) calendar years after all related bonds are redeemed, whichever is later.

#### **DISBURSEMENT RECORDS: DETAIL (Item #340)**

The District shall retain the record copy of disbursement records relating to the use of bonds for five (5) fiscal years provided applicable audits have been released or until three (3) calendar years after related bonds are redeemed, whichever is later.

#### **DISBURSEMENT RECORDS: SUMMARY (Item #341)**

The District shall retain the record copy of disbursement records relating to the use of bonds for ten (10) fiscal years provided applicable audits have been released or until three (3) calendar years after related bonds are redeemed, whichever is later.

#### **FINANCIAL REPORTS: LOCAL GOVERNMENT ANNUAL REPORTS (Item #107)**

The District shall retain the record copy of disbursement records relating to the use of bonds for ten (10) fiscal years provided applicable audits have been released or until three (3) calendar years after all related bonds are redeemed, whichever is later.

#### **INCIDENT REPORT FILES (Item #241)**

The District shall retain incident reports for five (5) anniversary years from the date of the incident.

#### **MINUTES: OFFICIAL MEETINGS (PRELIMINARY/AUDIO RECORDINGS/VIDEO RECORDINGS (Item #4)**

The District shall retain audio recordings of board of supervisor meetings for five (5) calendar years after adoption of the official minutes.

#### **PROJECT FILES: CAPITAL IMPROVEMENT (Item #136)**

The District shall retain the record copy of project files for projects funded with bonds for ten (10) fiscal years after completion of the project provided applicable audits have been released or until three (3) calendar years after all related bonds are redeemed, whichever is later.

#### **REAL PROPERTY RECORDS: CONDEMNATION/DEMOLITION (Item #364)**


The District shall retain the record copy of project files for condemnation/demolition projects funded with bonds for five (5) anniversary years after final action or until three (3) calendar years after all related bonds are redeemed, whichever is later. The record copy of deeds and easements shall be kept permanently.

#### **REAL PROPERTY RECORDS: PROPERTY ACQUIRED (Item #172)**

The District shall retain the record copy of documents related to property acquisitions funded with bonds for three (3) fiscal years after final disposition of the property provided applicable audits have been released or until three (3) calendar years after all related bonds are redeemed, whichever is later. The record copy of deeds and easements shall be kept permanently.

MEMORANDUM

TO: Pal-Mar Water Control District, Board of Supervisors

FROM: Robert W. Higgins, P.E., District Engineer 

DATE: October 19, 2023

RE: Higgins Engineering, Inc. Rate Increase

Higgins Engineering, Inc. was retained by the Pal-Mar Water Control District in 2008 as the Engineer for the District. Since that time Higgins Engineering, Inc. has not requested a fee increase, but would like you to entertain one at this time based on the CPI increases between 2008 and 2022. The previous rate schedule would be as follows:

	<u>2008 Rate</u> <u>Per Hour</u>	<u>Proposed 2023 Rate</u> <u>Per Hour</u>
Senior Engineer	\$175.00	\$250.00
Engineer	\$135.00	\$180.00
Jr. Engineer	\$ 90.00	\$140.00
Draftsman	\$ 70.00	\$110.00
Administrative	\$ 40.00	\$ 70.00

Reimbursable Expenses at cost

All services will continue to be performed as directed by the Board.

In advance thank you for your consideration of this request. We look forward to continuing to work with the District.

RWH/jp  
08-20

# Service Proposal

A QUALITY BUSHOG SERVICES INC.

6426 Apache Blvd  
Loxahatchee, FL 33470  
Phone (561) 333-7777  
[www.aqualitybushog.com](http://www.aqualitybushog.com)

Customer Name:

Special District Services Inc.  
Public Private Partnerships  
2501A Burns Road  
Palm Beach Gardens, FL 33410-5204

We hereby propose to furnish the machinery and perform the labor necessary for the completion of mowing services. Service to include using high production mowing equipment (two 120 hp tractor 15ft batwing and 120 hp tractor with mounted slope mower) Palmar canal systems as per map. Fee is \$45500.00 per cut. Availability of service in January of 2024.

Respectfully Submitted: Naomi Pellicone Date: 11-29-2023

Accepted and Approved:

1. Service excludes small machine, string trimming, blowing, debris removal.
2. Lien proceedings will be conducted on non payment prior to forty five days
3. This proposal may be withdrawn by us if not accepted within thirty days.
4. The above prices, specifications and conditions are satisfactory and are hereby accepted.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**SOUTH FLORIDA BUSHOG SERVICE, INC**

9584 Lake Worth Rd  
Lake Worth, FL 33467 US  
+1 5614327799  
9584@comcast.net



**ADDRESS**

Michael McElligott  
Special District Services, Inc.  
2501A Burns Road  
Palm Beach Gardens, FL 33410

**Estimate 1071**

**DATE 11/22/2023**

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
	<b>Hungry Land Canal Banks</b>	Large machine and ditch bank mowing of canal banks located in Hungry Land.	1	39,500.00	39,500.00

**TOTAL \$39,500.00**

Accepted By

Accepted Date



Tim Wallace lawn service  
16374 132nd terrace north  
Jupiter FI 33478

# Estimate

Number E105

Date 11/17/2023

**Bill To**  
Pal Mar  
Water Control District  
2501 Burns Road  
Palm Beach Gardens, Fl , 33410

**Ship To**

**PO Number**

**Customer #**

Description	Quantity/Hours	Price/Rate	Amount
Mow all Pal-Mar and Hungryland canal banks to the water line. Flat mow all levees up to 20', vertical mow trees encroaching onto easements up to 10'.		\$104,000.00	\$104,000.00

**Amount Paid** \$0.00

**Amount Due** \$104,000.00

**Discount** \$0.00

**Shipping Cost** \$0.00

**Sub Total** \$104,000.00

**Total** \$104,000.00



**From:** Jennifer <[jennifer@beamanbuyland.com](mailto:jennifer@beamanbuyland.com)>  
**Sent:** Wednesday, November 22, 2023 2:08 PM  
**To:** Bob Higgins <[bhiggins@higgins-eng.com](mailto:bhiggins@higgins-eng.com)>  
**Subject:** Agenda Item Submission for PMWCD Board Meeting  
**Importance:** High

Mr. Higgins:

We would like to submit the following to be added as an Agenda Item for the next PMWCD Board Meeting.

Consider vacating a drainage easement within Pal-Mar Water Control District. Said easement is described as follows and shown in the depiction below:

An easement for drainage being 60' in width the centerline of which is the south line of the North 1/8 of the East 1/2 of Section 2, Township 40 South, Range 39 East, Martin County Florida, lying West of the Florida Power and Light utility easement as recorded in Deed Book 98, page 323, Martin County, Florida, public records. Less and except that portion of easement which is the North 30 feet of Lot WW-245.



**Jennifer Schee** | Director of Purchasing & Mapping

**Be A Man Buy Land**

4260 S.E. Federal Hwy.

Stuart, FL 34997

855-455-LAND ext. 112

772-486-5787 Cell





138629

Range 39 East, Martin County, Florida, lying southeast of State Road 76; and all that part of Section 35, Township 39 South, Range 39 East, Martin County, Florida, lying southeast of State Road 76.

DECLARATION OF EASEMENTS

desires to set forth herein and declare the following easements for rights-of-way, road purposes, drainage incidental thereto and public utilities in favor of the general public, each

KNOW ALL MEN BY THESE PRESENTS: That PALM BEACH HEIGHTS DEVELOPMENT & SALES CORP., and every Grantee and their heirs, successors, personal a Florida corporation, being the owner and holder of the representatives and assigns, the State of Florida, and any fee simple title of all the lands hereinafter described, and political subdivision thereof, and in grant in connection therewith the full right and authority to use said easements for all proper purposes above referred to, such easements being over and described property, to wit:

across the following described real estate, lying and being in Martin County, Florida, **All that part of the East 1/2, set forth in of Section 2, Township 40 South, Range 39 East, Martin County, Florida, lying southeast of State Road 76; and all that part of Section 35, Township 39 South, Range 39 East, Martin County, Florida, lying southeast of State Road 76;**

TO HAVE AND TO HOLD the same unto the said general public, the State of Florida and all political subdivisions thereof, each and every Grantee, their heirs, successors, personal representatives and assigns, the State of Florida, and any political subdivision thereof, and do grant in connection therewith the full right and authority to use said easements for all proper purposes above referred to, such easements being over and across the following described real estate, lying and being in Martin County, Florida, and more particularly set forth in Exhibit A, attached hereto and which, be reference thereto, is expressly made a part hereof.

TO HAVE AND TO HOLD the same unto the said general public, the State of Florida and all political subdivisions thereof, each and every Grantee, their heirs, successors, personal

This Instrument Was Prepared By:  
Clair G. Andersen  
1001 Park Avenue  
Lake Park, Florida 33401



their hands and affixed their seals by the duly authorized officers hereunto this 26 day of June, 1969.

representatives and assigns, in the manner and for the purposes aforementioned and upon the following conditions, to wit:

1. The above described property, to wit:

All that part of the East 1/2 of Section 2, Township 40 South, Range 39 East, Martin County, Florida, lying southeast of State Road 76; and all that part of Section 35, Township 39 South, Range 39 East, Martin County, Florida, lying southeast of State Road 76;

Witnesses:

Walter W. [Signature]  
Shirley [Signature]

President

Secretary

(CORPORATE SEAL)

is further subject to existing easements for drainage and roads in addition to those herein granted and conveyed.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and affixed their seals by the duly authorized officers hereunto this 26 day of June, 1969.

PALM BEACH HEIGHTS DEVELOPMENT & SALES CORP.

By Frederick [Signature]  
President

Attest: Samuel [Signature]  
Secretary

Witnesses:

Kevin B. Blakely  
Julien Watten  
Walter W. [Signature]  
Shirley [Signature]

(CORPORATE SEAL)

SOUTHEAST TITLE AND INSURANCE COMPANY

By John MacArthur  
Chairman of the Board President

Attest: Mal Carmichael  
Assistant Secretary

Witnesses:

Kevin B. Blakely  
Julien Watten

(CORPORATE SEAL)



above written

STATE OF FLORIDA  
COUNTY OF DADE

SS.

Morton Wolcott  
NOTARY PUBLIC, State of Florida  
at Large

My Commission Expires: 7/16/69  
NOTARY PUBLIC STATE OF FLORIDA AT LARGE  
MY COMMISSION EXPIRES JULY 16, 1969  
BONDED THRU FRED W. DIESTELHORST

BEFORE ME, a Notary Public, in and for the County and State aforesaid, personally appeared PALM BEACH HEIGHTS DEVELOPMENT

& SALES CORP., a Florida corporation, by Fredrick T. Hyman and Samuel Switt and they acknowledged before me that

they did execute the foregoing instrument for and on behalf of said corporation, and that the same is the free act and deed of said corporation and as such officers for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Miami Beach, Florida, the day and year last above written.

Morton Wolcott  
NOTARY PUBLIC, State of Florida  
at Large  
My Commission Expires: 7/16/69

STATE OF FLORIDA  
COUNTY OF

SS.

Morton Wolcott  
NOTARY PUBLIC, State of Florida  
at Large

My Commission Expires: 7/16/69  
NOTARY PUBLIC STATE OF FLORIDA AT LARGE  
MY COMMISSION EXPIRES JULY 16, 1969  
BONDED THRU FRED W. DIESTELHORST

BEFORE ME, a Notary Public, in and for the County and State aforesaid, personally appeared SOUTHEAST TITLE AND INSURANCE COMPANY, a Florida corporation, by John D. MacArthur

and M. D. Carmichael, Jr. and they acknowledged before me

that they did execute the foregoing instrument for and on behalf of said corporation, and that the same is the free act and deed of said corporation and as such officers for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Lake Park, Florida the day and year last above written.

Ellen B. Blakely  
NOTARY PUBLIC, State of Florida  
at Large

My Commission Expires: 7/16/69

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE  
MY COMMISSION EXPIRES JULY 16, 1969  
BONDED THROUGH FRED W. DIESTELHORST



5. An easement for ingress, egress, drainage and utilities being 60' in width the centerline of which is the South line of the North 1/16 of the East 1/2 of Section 2, Township 40 South, Range 39 East, Martin County, Florida; less the Florida Power and Light utility easement as recorded in Deed Book 98, Page 323, Martin County, Florida, public records.
1. An easement for ingress, egress, drainage and utilities being 60' in width the centerline of which is the West line of the East 1/4 of Section 2, Township 40 South, Range 39 East, being Martin County, Florida, line of which is the South line of the North 1/16 of the East 1/2 of Section 2, Township 40 South.
2. An easement for ingress, egress, drainage and utilities being 60' in width lying West and adjacent to the West line of the Florida Power and Light utility easement as recorded in Deed Book 98, Page 323, Martin County, Florida, public records, Section 2, Township 40 South, Range 39 East, Martin County, Florida, line of which is the South line of the North 1/16 of the East 1/2 of Section 2, Township 40 South.
7. An easement for ingress, egress, drainage and utilities being 60' in width the centerline of which is the South line of the North 1/16 of the East 1/4 of Section 2, Township 40 South, Range 39 East, Martin County, Florida.
3. An easement for ingress, egress, drainage and utilities being 60' in width the centerline of which is the South line of the North 1/16 of the East 1/4 of Section 2, Township 40 South, Range 39 East, Martin County, Florida.
4. An easement for ingress, egress, drainage and utilities being 60' in width the centerline of which is the South line of the North 1/8 of the East 1/2 of Section 2, Township 40 South, Range 39 East, Martin County, Florida; less the Florida Power and Light utility easement as recorded in Deed Book 98, Page 323, Martin County, Florida, public records.
5. An easement for ingress, egress, drainage and utilities being 60' in width the centerline of which is the South line of the North 3/16 of the East 1/2 of Section 2, Township 40 South, Range 39 East, Martin County, Florida; less the Florida Power and Light utility easement as recorded in Deed Book 98, Page 323, Martin County, Florida, public records.
6. An easement for ingress, egress, drainage and utilities being 60' in width the centerline of which is the South line of the North 5/16 of the East 1/2 of Section 2, Township 40 South, Range 39 East, Martin County, Florida; less the Florida Power and Light utility easement as recorded in Deed Book 98, Page 323, Martin County, Florida, public records.
7. An easement for ingress, egress, drainage and utilities being 60' in width the centerline of which is the South line of the North 3/8 of the East 1/2 of Section 2, Township 40 South, Range 39 East, Martin County, Florida; less the Florida Power and Light utility easement as recorded in Deed Book 98, Page 323, Martin County, Florida, public records.
8. An easement for ingress, egress, drainage and utilities being 60' in width the centerline of which is the South line of the North 7/16 of the East 1/2 of Section 2, Township 40 South, Range 39 East, Martin County, Florida; less the Florida Power and Light utility easement as recorded in Deed Book 98, Page 323, Martin County, Florida, public records.
9. An easement for ingress, egress, drainage and utilities being 60' in width the centerline of which is the South line of the North 1/2 of the East 1/2 of Section 2, Township 40 South, Range 39 East, Martin County, Florida; less the Florida Power and Light utility easement as recorded in Deed Book 98, Page 323, Martin County, Florida, public records.



South 3/16 of the East 1/2 of Section 2, Township 40 South, Range 39 East, Martin County, Florida; less the Florida Power and Light utility easement as recorded in Deed Book 98, Page 323, Martin County, Florida, public records.

10. An easement for ingress, egress, drainage and utilities being 60' in width the centerline of which is the North line of the South 7/16 of the East 1/2 of Section 2, Township 40 South, Range 39 East, Martin County, Florida; less the Florida Power and Light utility easement as recorded in Deed Book 98, Page 323, Martin County, Florida, public records.
11. An easement for ingress, egress, drainage and utilities being 60' in width the centerline of which is the North line of the South 3/8 of the East 1/2 of Section 2, Township 40 South, Range 39 East, Martin County, Florida; less the Florida Power and Light utility easement as recorded in Deed Book 98, Page 323, Martin County, Florida, public records.
12. An easement for ingress, egress, drainage and utilities being 60' in width the centerline of which is the North line of the South 5/16 of the East 1/2 of Section 2, Township 40 South, Range 39 East, Martin County, Florida; less the Florida Power and Light utility easement as recorded in Deed Book 98, Page 323, Martin County, Florida, public records.
13. An easement for ingress, egress, drainage and utilities being 60' in width the centerline of which is the North line of the South 3/16 of the East 1/2 of Section 2, Township 40 South, Range 39 East, Martin County, Florida; less the Florida Power and Light utility easement as recorded in Deed Book 98, Page 323, Martin County, Florida, public records.
14. An easement for ingress, egress, drainage and utilities being 60' in width the centerline of which is the North line of the South 1/8 of the East 1/2 of Section 2, Township 40 South, Range 39 East, Martin County, Florida; less the Florida Power and Light utility easement as recorded in Deed Book 98, Page 323, Martin County, Florida, public records.
15. An easement for ingress, egress, drainage and utilities being 60' in width the centerline of which is the North line of the South 1/16 of the East 1/2 of Section 2, Township 40 South, Range 39 East, Martin County, Florida; less the Florida Power and Light utility easement as recorded in Deed Book 98, Page 323, Martin County, Florida, public records.
16. An easement for ingress, egress, drainage and utilities being the South 30' of the East 1/2 of Section 2, Township 40 South, Range 39 East, Martin County, Florida; less the Florida Power and Light utility easement as recorded in Deed Book 98, Page 323, Martin County, Florida, public records.
17. An easement for ingress, egress, drainage and utilities being 60' in width the centerline of which is the West line of the East 1/4 lying southeast of State Road 76 in Section 35, Township 39 South, Range 39 East, Martin County, Florida.
18. An easement for ingress, egress, drainage and utilities being 60' in width the centerline of which is the west line of the east 1/8 of Section 2, Township 40 South, Range 39 East, Martin County, Florida.



FILED FOR RECORD  
MARTIN COUNTY, FLA.  
69 JUL - 8 PM 2:44  
DOROTHY PIERCE  
CLERK OF CIRCUIT COURT  
BY *[Signature]*  
D.C.



138630

desire to set forth herein and declare the following easements for rights-of-way, road purposes, drainage incidental thereto and public utilities in favor of the general public, each and every Grantee

DECLARATION OF EASEMENTS

and their heirs, successors, personal representatives and assigns,

the State of Florida, and any political subdivision thereof, and  
**KNOW ALL MEN BY THESE PRESENTS:**

do grant in connection therewith the full right and authority to

That **PALM BEACH HEIGHTS DEVELOPMENT & SALES CORP.**, a Florida corporation, being the owner and holder of the fee simple easements being over and across the following described real title of all the lands hereinafter described, and **SOUTHEAST TITLE AND INSURANCE COMPANY**, a Florida corporation, being the holder of a mortgage encumbering the following described property, to wit: by reference thereto, is expressly made a part hereof.

TO HAVE AND TO HOLD the same unto the said general public,  
The West 1/2 of Section 12,  
Township 40 South, Range 39 East,  
situated in Martin County, Florida;

each and every Grantee, their heirs, successors, personal representatives and assigns, in the manner and for the purposes the desire to set forth herein and declare the following easements for rights-of-way, road purposes, drainage incidental thereto and public

utilities in favor of the general public, each and every Grantee and their heirs, successors, personal representatives and assigns,

the State of Florida, and any political subdivision thereof, and

do grant in connection therewith the full right and authority to use said easements for all proper purposes above referred to, such easements being over and across the following described real

estate, lying and being in Martin County, Florida, and more particularly set forth in Exhibit A, attached hereto and which, by reference thereto, is expressly made a part hereof.

TO HAVE AND TO HOLD the same unto the said general public, the State of Florida and all political subdivisions thereof,

each and every Grantee, their heirs, successors, personal representatives and assigns, in the manner and for the purposes aforementioned and upon the following conditions, to wit:

1. The above described property, to wit:

The West 1/2 of Section 12,  
Township 40 South, Range 39 East,  
situated in Martin County, Florida;



*Modern Building*  
*Shante Higgins*

(CORPORATE SEAL)

SOUTHEAST TITLE AND INSURANCE COMPANY  
is further subject to existing easements for drainage and roads  
in addition to those herein granted and conveyed.

IN WITNESS WHEREOF, the undersigned have hereunto set their  
hands and affixed their seals by the duly authorized officers  
hereunto this 22<sup>nd</sup> day of June, 1969.

*Galeen Watkins*

(CORPORATE SEAL)  
PALM BEACH HEIGHTS DEVELOPMENT  
& SALES CORP.

By *Frederick T. Higgins*  
President



Witnesses:

*Morton Wolff*  
*Shante Higgins*

Attest: *Samuel Sweet*  
Secretary

(CORPORATE SEAL)

SOUTHEAST TITLE AND INSURANCE COMPANY

By *John Isaac Arthur*  
Chairman of the Board

Witnesses:

*Evan B. Belsky*  
*Galeen Watkins*

Attest: *M. Carmichael*  
Assistant Secretary

(CORPORATE SEAL)



Book 262



STATE OF FLORIDA  
COUNTY OF DADE

SS.

*Notarized*  
NOTARY PUBLIC, State of Florida  
at Large

My Commission Expires: *1/16/69*  
MY COMMISSION EXPIRES MAY 27, 1973  
BONDED THROUGH FRED W. DIETELHORST

BEFORE ME, a Notary Public, in and for the County and State  
aforesaid, personally appeared PALM BEACH HEIGHTS DEVELOPMENT &  
SALES CORP., a Florida corporation, by Fredrick T. Nyman  
and Samuel Swift and they acknowledged before me that  
they did execute the foregoing instrument for and on behalf of  
said corporation, and that the same is the free act and deed of  
said corporation and as such officers for the uses and purposes  
therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed  
my official seal at Miami Beach, Florida, the day and year last  
above written.

IN WITNESS WHEREOF, I have  
my official seal at Lake Park  
day and year last above written.

*Notarized*  
NOTARY PUBLIC, State of Florida  
at Large

My Commission Expires: *1/16/69*  
MY COMMISSION EXPIRES MAY 27, 1973  
BONDED THROUGH FRED W. DIETELHORST

STATE OF FLORIDA  
COUNTY OF

SS.

NOTARY PUBLIC, State of Florida  
at Large

My Commission Expires: *1/16/69*

BEFORE ME, a Notary Public, in and for the County and State  
aforesaid, personally appeared SOUTHEAST TITLE AND INSURANCE  
COMPANY, a Florida corporation, by John D. MacArthur  
and M. D. Carmichael, Jr. and they acknowledged before me  
that they did execute the foregoing instrument for and on behalf  
of said corporation, and that the same is the free act and deed of  
said corporation and as such officers for the uses and purposes  
therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed  
my official seal at Lake Park, Florida the  
day and year last above written.

Green B. Blakely  
NOTARY PUBLIC, State of Florida  
at Large  
My Commission Expires: *1/16/69*

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE  
MY COMMISSION EXPIRES JULY 16, 1969  
BONDED THROUGH FRED W. DIETELHORST



5. An easement for ingress, egress, drainage and utilities being 60' in width the centerline of which is the South line of the North 1/8 of the West 1/2 of Section 12, Township 40 South, Range 39 East, Martin County, Florida.

EXHIBIT A

1. An easement for ingress, egress, drainage and utilities being the East 50' of the West 1/2 of Section 12, Township 40 South, Range 39 East, Martin County, Florida.
2. An easement for ingress, egress, drainage and utilities being 60' in width the centerline of which is the East line of the West 1/4 of Section 12, Township 40 South, Range 39 East, Martin County, Florida.
3. An easement for ingress, egress, drainage and utilities being the North 30' of the West 1/2 of Section 12, Township 40 South, Range 39 East, Martin County, Florida.
4. An easement for ingress, egress, drainage and utilities being 60' in width the centerline of which is the South line of the North 1/16 of the West 1/2 of Section 12, Township 40 South, Range 39 East, Martin County, Florida.
5. An easement for ingress, egress, drainage and utilities being 60' in width the centerline of which is the South line of the North 1/8 of the West 1/2 of Section 12, Township 40 South, Range 39 East, Martin County, Florida.
6. An easement for ingress, egress, drainage and utilities being 60' in width the centerline of which is the South line of the North 3/16 of the West 1/2 of Section 12, Township 40 South, Range 39 East, Martin County, Florida.
7. An easement for ingress, egress, drainage and utilities being 60' in width the centerline of which is the South line of the North 5/16 of the West 1/2 of Section 12, Township 40 South, Range 39 East, Martin County, Florida.
8. An easement for ingress, egress, drainage and utilities being 60' in width the centerline of which is the South line of the North 3/8 of the West 1/2 of Section 12, Township 40 South, Range 39 East, Martin County, Florida.
9. An easement for ingress, egress, drainage and utilities being 60' in width the centerline of which is the South line of the North 7/16 of the West 1/2 of Section 12, Township 40 South, Range 39 East, Martin County, Florida.
10. An easement for ingress, egress, drainage and utilities being 60' in width the centerline of which is the South line of the North 1/2 of the West 1/2 of Section 12, Township 40 South, Range 39 East, Martin County, Florida.



- 10. An easement for ingress, egress, drainage and utilities being 60' in width the centerline of which is the North line of the South 1/8 of the West 1/2 of Section 12, Township 40 South, Range 39 East, Martin County, Florida.
- 11. An easement for ingress, egress, drainage and utilities being 60' in width the centerline of which is the North line of the South 7/16 of the West 1/2 of Section 12, Township 40 South, Range 39 East, Martin County, Florida.
- 12. An easement for ingress, egress, drainage and utilities being 60' in width the centerline of which is the North line of the South 3/8 of the West 1/2 of Section 12, Township 40 South, Range 39 East, Martin County, Florida.
- 13. An easement for ingress, egress, drainage and utilities being 60' in width the centerline of which is the North line of the South 5/16 of the West 1/2 of Section 12, Township 40 South, Range 39 East, Martin County, Florida.
- 14. An easement for ingress, egress, drainage and utilities being 60' in width the centerline of which is the North line of the South 3/16 of the West 1/2 of Section 12, Township 40 South, Range 39 East, Martin County, Florida.
- 15. An easement for ingress, egress, drainage and utilities being 60' in width the centerline of which is the North line of the South 1/8 of the West 1/2 of Section 12, Township 40 South, Range 39 East, Martin County, Florida.
- 16. An easement for ingress, egress, drainage and utilities being 60' in width the centerline of which is the North line of the South 1/16 of the West 1/2 of Section 12, Township 40 South, Range 39 East, Martin County, Florida.
- 17. An easement for ingress, egress, drainage and utilities being the South 30' of the West 1/2 of Section 12, Township 40 South, Range 39 East, Martin County, Florida.
- 18. An easement for ingress, egress, drainage and utilities being 60' in width the centerline of which is the East line of the West 3/8 of Section 12, Township 40 South, Range 39 East, Martin County, Florida.
- 19. An easement for ingress, egress, drainage and utilities being 60' in width the centerline of which is the East line of the West 1/8 of Section 12, Township 40 South, Range 39 East, Martin County, Florida.

FILED FOR RECORD  
 MARTIN COUNTY, FLA.  
 69 JUL - 8 PM 2:44  
 DOROTHY PIERCE  
 CLERK OF CIRCUIT COURT  
 BY *[Signature]* D.C.





**From:** Bernard R. Romero <[brromero@mcsofl.org](mailto:brromero@mcsofl.org)>  
**Sent:** Monday, October 16, 2023 4:34 PM  
**To:** Michael McElligott <[MMcElligott@sdsinc.org](mailto:MMcElligott@sdsinc.org)>  
**Cc:** William K. Dolan <[wkdolan@mcsofl.org](mailto:wkdolan@mcsofl.org)>; John M. Budensiek <[jmbudensiek@mcsofl.org](mailto:jmbudensiek@mcsofl.org)>; Cynthia R. Brown <[crbrown@mcsofl.org](mailto:crbrown@mcsofl.org)>; Peter D. Croft <[pdcroft@mcsofl.org](mailto:pdcroft@mcsofl.org)>; Bonnie M. Bouvier <[bmbouvier@mcsofl.org](mailto:bmbouvier@mcsofl.org)>  
**Subject:** Off-Duty Work details.

Good afternoon, Mr. McElligott.

I spoke with Chief John Budensiek and Lt. William K. Dolan regarding the off-duty work details that the Martin County Sheriff's Office has been providing to residents of the Palmar area regarding the many issues that may arise there. Providing an off-duty work detail is a courtesy that is often extended to members of the public. This entails the allocation of resources and manpower, when they are available, and when there will not be an appearance of impropriety.

I have been told that these off-duty work details have become onerous to those who are providing them. Due to manpower resource issues, the Martin County Sheriff's Office has decided not to staff these off-duty details henceforth. Perhaps FWC will provide the off-duty details for you and the property you manage.

If you have any questions regarding this issue, please contact Lt. William K. Dolan.

Sincerely,  
Bernard Romero, Esq.  
Legal Advisor  
Martin County Sheriff's Office  
772-220-7003



**DISCLAIMER:** *The Martin County Sheriff's Office is a public entity subject to Florida Statutes Chapter 119, Public Records. E-mail messages are subject to public records disclosure, and with limited exceptions are not exempt from chapter 119. IMPORTANT WARNING: This message is intended for the use of the person or entity to whom it is addressed and may contain information that is privileged and confidential. The disclosure of which is governed by applicable law. If the reader of this e-mail is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this information is STRICTLY PROHIBITED. If you have received this e-mail by error, please notify the sender immediately and destroy the related message.*

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**MEMORANDUM**

TO: Board of Supervisors of the Pal-Mar Water Control District

FROM: Caldwell Pacetti Edwards Schoech & Viator

DATE: November 5, 2019

RE: District's Obligations as to Landowners' Access

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The Board requested an opinion regarding the District's obligations as to landowners' access.

**FACTS**

Pal-Mar Water Control District, formerly known as Rotunda Drainage District, was formed in 1968 "to implement a reclamation plan to render the land suitable for development." See Investigative Report of the Preliminary Conceptual Plan of Development for Pal-Mar Water Control District (May 1985). Because of strict development rules and regulations promulgated by Martin County, the land within the District has not been developed as originally conceived, and no roads, rights-of-way, or outfalls have been constructed. Some improvements have been constructed within the District, including a limited canal system.

**DISTRICT'S LEGISLATIVE AUTHORITY**

Pursuant to Section 3(1) entitled "Powers of Board of Supervisors" of Chapter 2005-307, Laws of Florida, the Board is specifically "authorized to plan, construct, and maintain different water control systems by units of development within the district ..."

Section 298.22, F.S., also states the Board has "full power and authority to construct, complete, operate, maintain, repair, and replace any and all works and improvements necessary to execute the water control plan." This statute goes on to list twelve (12) areas in which it has authority.

A water control district may only exercise such powers as have been expressly granted by statute or must necessarily be exercised in order to carry out an express power, and any reasonable doubt as to the lawful existence of a particular power sought to be exercised must be resolved against the exercise thereof. Florida Attorney General Opinion 2003-49. Special districts are units of "local

government created for a special purpose.” Section 189.012(6), F.S. They provide local specialized governmental services and have very limited, related and explicit prescribed powers. Florida Special District Handbook, [www.floridajobs.org](http://www.floridajobs.org).

Easements may only be utilized in a manner consistent with the grant of easement. *Sinclair v. Clay Elec. Co-op, Inc.*, 584 So.2d 1065 (Fla. 5<sup>th</sup> DCA 1991). An easement can be used only for those purposes for which it was granted. *Id.* There is no statutory authority providing for public use of property owned by drainage and water management districts created under Ch. 298, F.S. Florida Attorney General Opinion No. 76-87.

Furthermore, in *Pal-Mar Water Management District v. Martin County*, 377 So.2d 752 (Fla. 4<sup>th</sup> DCA 1980), the Court held that the District must obtain permits pursuant to Martin County zoning ordinances before implementing its court-approved Amended Plan of Reclamation.

### **DISTRICT EASEMENTS**

As part of its Plan of Reclamation, the District has acquired easements for construction, improvement, maintenance and operation of District works (drainage).

We reviewed the easements designated on the Pal-Mar Water Control District Land Rights Map, as indicated by the District Engineer, and have the following comments as to the identified easements:

1. Declaration of Easements set forth in OR Book 235/129. Declaration of Easements "in favor of the Rotunda Drainage District, its successors and assigns for the construction, improvement, maintenance and operation of levees, canals, water control structures and all other works necessary for flood and water control purposes in connection with the establishment and operation of the programs of works of the . . . District" and the "authority to use said easements for all proper purposes above referred to".
2. Declaration of Easements set forth in OR Book 266/382. Two (2) one hundred sixty (160) foot easements in Section 18 of 40-40 in favor of the Rotunda Drainage District. Similar to Declaration of Easements set forth in OR Book 235/129.
3. Declaration of Easements set forth in OR Book 235/118. Easements to sixty (60) feet in width in Section 19 from Grantor, Palm Beach Heights Development & Sales Corporation and Southeast Title & Insurance Company, to the general public. The subject easements are for "rights-of-way, road purposes, drainage incidental thereto and public utilities in favor of the general public, each and every grantee and their heirs, successors, personal representatives and assigns, the State of Florida and any political subdivision thereof" and "in connection therewith the full right and authority to use said easements for all proper purposes above referred to".
4. Declaration of Easements set forth in OR Book 235/145. Easements thirty (30) to sixty (60) feet in width similar to Declaration of Easements set forth in OR Book 235/118.



5. Declaration of Easements set forth in OR Book 251/250. Easements thirty (3) to sixty (60) feet in width easements throughout Section 18 similar to Declarations set forth in OR Book 235/118.

A review of the above easements indicate the following:

1. The easements set forth in the Declaration of Easements in OR Book 235/118, OR Book 235/145 and OR Book 251/250 grant easements and rights to the general public. It appears from the language in the easements, that the public would have the right to use the areas specifically described in the subject easement(s) for road purposes.
2. With respect to the Declaration of Easements set forth in OR Book 235/129 and OR Book 266/382, the easement rights are limited in favor of the Drainage District in carrying out its works. The fact that the easements are conveyed to a public entity does not authorize general use to the public for any and all purposes. Accordingly, it appears that the general public would not be entitled to access the subject easements for road purposes.

The majority of the access easements within Pal-Mar Water Control District (PMWCD) were dedicated to the public and have not been constructed. However, a different easement dedicated to the public occurs in OR Book 220 pages 457 to 489. This particular easement has not only roadway easements, but also has canal easements as well as a levee easement. This levee easement, which is also an access easement, is different than the remaining levee easements throughout the District which were dedicated to PMWCD as opposed to the public.

In addressing the access issue, no opinion is expressed as to the reason(s) that roads were never constructed. It is our understanding that sufficient funds to provide physical access were set aside for every lot to be sold, but that permits were not issued; consequently, it appears the monies were returned to the existing landowners at that time. This conclusion has not been independently confirmed by our office; therefore, we cannot express a final opinion on this issue at this time.

## CONCLUSION

There is no express obligation in the District's legislative authority to grant landowners access. The District is authorized to exercise only such powers as have been expressly granted or necessarily implied. Any reasonable doubt as to the lawful existence of a particular power sought to be exercised must be resolved against the exercise thereof. The District is utilizing its easements lawfully for the purposes for which they were granted. Furthermore, there is no statutory authority providing for public use of property owned by drainage and water management districts created under Ch. 298, F.S. The members of the general public do not have a legal right of access to those easements which are dedicated in the District's favor and not to the general public.

**Pal Mar Water Control District**  
**Budget vs. Actual**  
**October through November 2023**

	<u>Oct - Nov 23</u>	<u>23/24 Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
363.100 · O & M Assessments	0.00	195,638.00	-195,638.00	0.0%
363.830 · Assessment Fees	-150.00	-3,913.00	3,763.00	3.83%
363.831 · Assessment Discounts	0.00	-7,826.00	7,826.00	0.0%
369.401 · Interest Income	0.00	480.00	-480.00	0.0%
369.403 · Carryover from Previous Year	0.00	155,696.00	-155,696.00	0.0%
<b>Total Income</b>	<u>-150.00</u>	<u>340,075.00</u>	<u>-340,225.00</u>	<u>-0.04%</u>
<b>Gross Profit</b>	-150.00	340,075.00	-340,225.00	-0.04%
<b>Expense</b>				
511.310 · Engineering	1,721.25	28,000.00	-26,278.75	6.15%
511.311 · Management Fees	6,000.00	36,000.00	-30,000.00	16.67%
511.315 · Legal Fees	9,349.50	60,000.00	-50,650.50	15.58%
511.318 · Assessment/Tax Roll	0.00	5,000.00	-5,000.00	0.0%
511.320 · Audit Fees	0.00	4,100.00	-4,100.00	0.0%
511.450 · Insurance	6,763.00	8,300.00	-1,537.00	81.48%
511.480 · Legal Advertisements	0.00	2,500.00	-2,500.00	0.0%
511.512 · Miscellaneous	476.41	7,500.00	-7,023.59	6.35%
511.513 · Postage and Delivery	19.58	2,000.00	-1,980.42	0.98%
511.514 · Office Supplies	259.15	2,000.00	-1,740.85	12.96%
511.515 · Website Management Fee	250.00	1,500.00	-1,250.00	16.67%
511.540 · Dues, License & Subscriptions	175.00	175.00	0.00	100.0%
512.464 · Mowing	0.00	100,000.00	-100,000.00	0.0%
512.467 · Miscellaneous Maintenance	3,275.00	20,000.00	-16,725.00	16.38%
512.468 · Contingency-Legal Extraordinary	0.00	3,000.00	-3,000.00	0.0%
512.469 · Security	0.00	60,000.00	-60,000.00	0.0%
<b>Total Expense</b>	<u>28,288.89</u>	<u>340,075.00</u>	<u>-311,786.11</u>	<u>8.32%</u>
<b>Net Ordinary Income</b>	<u>-28,438.89</u>	<u>0.00</u>	<u>-28,438.89</u>	<u>100.0%</u>
	<u><b>-28,438.89</b></u>	<u><b>0.00</b></u>	<u><b>-28,438.89</b></u>	<u><b>100.0%</b></u>

Bank Balance As Of 11/30/23	\$ 1,934,268.84
Investment Acct Balance As Of 11/30/23	\$ 44,017.93
Accounts Payable As Of 11/30/23	\$ 18,983.54
Accounts Receivable As Of 11/30/23	\$ 3,000.00
<b>Total Fund Balance As Of 11/30/23</b>	<b>\$ 1,962,303.23</b>



**Pal Mar Water Control District**  
**Custom Transaction Detail Report**  
October 19 through November 28, 2023

	<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Debit</u>	<u>Credit</u>
<b>Legal Fees</b>							
<b>Caldwell Pacetti Edwards Schoech &amp; Viator</b>							
	Bill Pmt -Check	11/01/2023	1922	Caldwell Pacetti Edwards Schoech & Viator		10,953.38	
Total Caldwell Pacetti Edwards Schoech & Viator						10,953.38	0.00
<b>Management Fees</b>							
<b>Special District Services, Inc.</b>							
	Bill	10/31/2023	2023-1274	Special District Services, Inc.	Management Fees Oct 2023		3,520.35
	Bill Pmt -Check	11/01/2023	1925	Special District Services, Inc.	Management Fees Oct 2023	3,520.35	
Total Special District Services, Inc.						3,520.35	3,520.35
<b>Miscellaneous</b>							
<b>Board of County Commissioner</b>							
	Bill Pmt -Check	11/01/2023	1920	Board of County Commissioner	VC0000155837-30DYS	150.00	
Total Board of County Commissioner						150.00	0.00
<b>CA Florida Holdings, LLC</b>							
	Bill Pmt -Check	11/01/2023	1921	CA Florida Holdings, LLC	Stmnt# 5909890 FY 23/24 Mtg Schedule	262.65	
Total CA Florida Holdings, LLC						262.65	0.00
<b>Department of Economic Opportunity</b>							
	Bill	11/03/2023	88308	Department of Economic Opportunity	Invoice #88308 FY 2023//2024 Special District Fee		175.00
	Bill Pmt -Check	11/03/2023	1930	Department of Economic Opportunity	Invoice #88308 FY 2023//2024 Special District Fee	175.00	
Total Department of Economic Opportunity						175.00	175.00
<b>Lumberjack Land Management LLC</b>							
	Bill	10/27/2023	1042	Lumberjack Land Management LLC	Invoice #1042 Lawn Maintenance Oct 2023		1,000.00
	Bill Pmt -Check	11/01/2023	1923	Lumberjack Land Management LLC	Invoice #1042 Lawn Maintenance Oct 2023	1,000.00	
Total Lumberjack Land Management LLC						1,000.00	1,000.00
<b>Martin County Sheriff's Office</b>							
	Bill Pmt -Check	11/01/2023	1924	Martin County Sheriff's Office	Pal-Mar Detail 09.23.23-10.01.23	960.00	
Total Martin County Sheriff's Office						960.00	0.00
<b>T.J Mansell Land Management, LLC</b>							
	Bill	10/31/2023	210901	T.J Mansell Land Management, LLC	Inv# 210901 Supervision of Field Maint Oct 2023		2,275.00
	Bill Pmt -Check	11/01/2023	1926	T.J Mansell Land Management, LLC	VOID: Inv# 210901 Supervision of Field Maint Oct 2	0.00	
	Bill Pmt -Check	11/01/2023	1929	T.J Mansell Land Management, LLC	Inv# 210901 Supervision of Field Maint Oct 2023	2,275.00	
Total T.J Mansell Land Management, LLC						2,275.00	2,275.00
<b>Torcivia, Donlon, Goddeau &amp; Rubin, P.A.</b>							
	Bill	10/23/2023	21641	Torcivia, Donlon, Goddeau & Rubin, P.A.	Inv#21641 Professional Services Oct 2023		5,520.00
	Bill	10/27/2023	21532	Torcivia, Donlon, Goddeau & Rubin, P.A.	Inv#21532 Professional Services Sept 2023		3,210.00
	Bill Pmt -Check	11/01/2023	1927	Torcivia, Donlon, Goddeau & Rubin, P.A.	Inv#21532 Professional Services Sept 2023	3,210.00	
Total Torcivia, Donlon, Goddeau & Rubin, P.A.						3,210.00	8,730.00
<b>Treasure Coast Newspapers</b>							
	Bill Pmt -Check	11/01/2023	1928	Treasure Coast Newspapers	432676	153.90	
Total Treasure Coast Newspapers						153.90	0.00
<b>TOTAL</b>						<u>22,660.28</u>	<u>15,700.35</u>